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Foreword

In this age of innovation—where change is celebrated—AmeriCorps★VISTA members represent the front line of social entrepreneurs, men and women who are creating solutions to some of the country’s toughest social problems.

At this time of general economic prosperity, you have joined the nearly 6,000 AmeriCorps★VISTA members immersed in low-income communities, striving and succeeding in helping people get out of poverty. The goals of AmeriCorps★VISTA members are long-term, high impact, and sustainable. Your efforts are not simply to help a person today but to build the infrastructure the community needs to help many people reach self-sufficiency for years to come.

These are not easy tasks or simple goals. To be achieved, they require a full-time, focused commitment that extends well beyond the work day. But for those who take on the challenge, the result is powerful -- for the people they help and for their own growth as a person.

As you begin your year of service, you join a legacy of more than 130,000 alumni who have helped create innovative and dynamic solutions to the problems facing low-income communities since 1965. And, like those who went before you, you are learning professional and personal lessons that will impact your life forever.

This handbook provides a detailed overview of AmeriCorps★VISTA as well as the important information about your roles and responsibilities as a member. It contains the answers to many of the questions that might be running through your head as you begin your journey into AmeriCorps★VISTA service. “How do I get paid?” “What about health care?” “What kind of training am I going to receive?” It’s one of many tools that will help ensure you have a positive AmeriCorps★VISTA experience.

Thank you for your contribution and commitment to the day that every child has the opportunity to succeed, that every adult can make the transition from welfare-to-work, and that every working poor American can gain enough assets to endure hard times. Best wishes as you begin your AmeriCorps★VISTA service. Now is the time to leave your mark on the world.

Sincerely,



Matt Dunne
Corporation for National Service
Director, AmeriCorps★VISTA

Chapter I: Background and Purpose

Introduction

Authorized originally in 1964 by the Economic Opportunity Act, the Volunteers in Service to America (VISTA) program has provided full-time volunteers to thousands of low-income communities across the nation to address a multitude of problems as defined by those communities.

Over the years, more than 130,000 individuals have served in VISTA and AmeriCorps★VISTA on thousands of local projects, committing at least one year of full-time service to poor communities in every state, the District of Columbia, Puerto Rico, and the Virgin Islands.

In July 1971, the VISTA program was transferred from the Office of Economic Opportunity to a newly created federal volunteer agency, ACTION. Other volunteer programs administered by ACTION included the Foster Grandparent Program, the Retired Senior Volunteer Program, and the Senior Companion Program.

With the enactment of the National and Community Service Trust Act of 1993, the Corporation for National and Community Service was established, and all of ACTION's programs were transferred to the Corporation for National and Community Service (hereinafter referred to as the Corporation). The Corporation oversees a wide range of national service initiatives, including the AmeriCorps National Service Network. In 1994, VISTA joined this network and became known as AmeriCorps★VISTA.

The purpose of the AmeriCorps★VISTA program has remained the same since its inception. That purpose is contained in its authorizing legislation, the Domestic Volunteer Service Act of 1973, as amended (Public Law 93-113), which states that AmeriCorps★VISTA's mission is:

to strengthen and supplement efforts to eliminate and alleviate poverty... in the United States by encouraging and enabling persons from all walks of life, all geographic areas, and all age groups, including low-income individuals...to perform meaningful and constructive volunteer service in agencies, institutions, and situations where the application of human talent and dedication may assist in the solution of poverty and poverty-related problems...to generate the commitment of private sector resources, to encourage volunteer service at the local level, and to strengthen local agencies and organizations to carry out the purpose (of the program)" (42 U.S.C. § 4951).

The AmeriCorps★VISTA program rests on three basic assumptions:

- (1) You, a private citizen, can contribute on a voluntary basis to the solution of problems confronting low-income communities;

- (2) The skills and energies of AmeriCorps★VISTA members are used most effectively when they live and work in the low-income communities they are serving; and
- (3) The full-time personal involvement of AmeriCorps★VISTA members brings an added dimension to local public and private, nonprofit organizations working to develop lasting solutions for the problems of low-income communities.

Although AmeriCorps★VISTA is a national program that provides full-time members to organizations whose missions are congruent with AmeriCorps★VISTA's mission, it is not a self-contained or independent social action program. AmeriCorps★VISTA achieves its mission by assigning members to Sponsoring Organizations in order to expand the ability of those organizations to fight poverty. AmeriCorps★VISTA members mobilize community resources and increase the capacity of the low-income community to solve its own problems. It is crucial to the concept of local self-reliance that Sponsoring Organizations plan for the eventual phase out of AmeriCorps★VISTA members and the absorption of their functions by other facets of the community.

To address community problems, the AmeriCorps★VISTA program requires the merged interests and efforts of four distinct groups: low-income individuals, the Sponsoring Organization, the community, and the AmeriCorps★VISTA members. The details of this merger are explained in the remainder of this chapter.

Role of Sponsoring Organization

AmeriCorps ★VISTA Sponsoring Organizations may be federal, state, or local agencies, nonprofit, or private organizations that are committed to solving problems affecting low-income communities.

Sponsoring Organizations are responsible for managing AmeriCorps★VISTA resources and providing the support necessary to achieve project goals. This support includes providing dedicated supervision of the AmeriCorps★VISTA member, a clear work plan, and the mentoring needed to promote the professional growth of the AmeriCorps★VISTA member.

Sponsoring Organizations also must ensure that each project achieves the following:

- (1) Engaging members of the low-income community in planning, developing, and implementing the project to ensure that it is responsive and relevant to the low-income residents to be served;
- (2) Leveraging community resources (including part-time community volunteers) from the public and private sectors; and

- (3) Expanding community and organizational capacity to sustain the project once the AmeriCorps★VISTA member(s) finishes his/her term.

This type of program development by the Sponsoring Organization helps to ensure that the work performed will provide permanent, long-term solutions to problems confronting low-income communities.

Role of the AmeriCorps★VISTA Member

AmeriCorps★VISTA members pledge themselves to serve on a full-time basis for a term of one year (in addition to time spent in Pre-Service Orientation), and it is expected that this pledge will be honored. In certain circumstances, members may be invited to extend or re-enroll in their service beyond one year, for a period not to exceed three years. AmeriCorps★VISTA members are not entitled to an extension or re-enrollment of their service beyond their first year. However, they are encouraged to pursue a second year of service – be it with their initial project or within another area of interest.

During their term of service, members live at the economic level of the people they serve. They remain available for service without regard to regular working hours at all times during their term of service, except for periods of approved leave. A member may not be absent from the project site without approval from the Sponsoring Organization or supervisor. Full or part-time employment is not permitted during AmeriCorps★VISTA service. Full or part-time enrollment in an educational institution is prohibited except as described in Chapter 9. A member may not receive any additional monetary compensation beyond the standard allowances for services rendered as an AmeriCorps★VISTA.

In general, AmeriCorps★VISTA members may not assume, accept, or retain positions of leadership, or become identified with a particular faction or group or with a partisan or nonpartisan political group in the communities in which they serve. The assumption of such positions on the part of the member would hinder the community's ability to develop its own leadership capacity.

Each member's assignment depends on the particular problem(s) being addressed by the project to which he/she is assigned. Each AmeriCorps★VISTA project application includes a project work plan and assignment description that clearly indicates the nature of the member's activities and duties, and describes how, when, and why the member is to accomplish them. This work plan and assignment description is given to the member before the Pre-Service Orientation.

AmeriCorps★VISTA assignments should focus on building the capacity of private citizens, nonprofit organizations, and communities to respond to problems confronting communities in need. AmeriCorps★VISTA assignments must not include the delivery of

individual services to a limited number of clients (direct service) nor activities more appropriately performed by the Sponsoring Organization's administrative support staff. AmeriCorps★VISTA members serve as community and organizational catalysts, assisting in creating or expanding programs, and mobilizing community resources to sustain them.

Each AmeriCorps★VISTA member has a supervisor responsible for managing the project. Members receive direction and guidance in their assignments from their supervisors, who work for the Sponsoring Organization, rather than the Corporation.

Role of the AmeriCorps★VISTA Leader

In certain circumstances, AmeriCorps★VISTA Leaders may be assigned to projects to assist Sponsoring Organizations and members in achieving program objectives and developing new project activities and sources of community support.

AmeriCorps★VISTA Leaders are former AmeriCorps★VISTA members who have demonstrated exemplary skills and leadership in community service. They have exceptional abilities to work constructively with community volunteers, supervisors, Sponsoring Organizations, and the low-income community.

AmeriCorps★VISTA Leaders do not supervise other AmeriCorps★VISTA members. Rather, they provide support and coordination for members in order to increase the impact of the project.

Role of the Corporation State Office

Staff members from the Corporation State Office seek out and respond to technical assistance requests from potential Sponsoring Organizations who wish to develop proposals for AmeriCorps★VISTA projects. State staff members assist the potential Sponsoring Organization in defining project goals and objectives, determining whether the project is in accord with the AmeriCorps★VISTA program mission, and ensuring that a self-sustaining activity will be achieved within the low-income community or the sponsoring organization.

Once a project has received final approval by the State Director and AmeriCorps★VISTA candidates have been selected, the candidates attend Pre-Service Orientation and if deemed suitable for AmeriCorps★VISTA service take the oath of service before they begin their project assignments. After members are assigned, the Corporation State Office helps the Sponsoring Organization provide in-service training and technical assistance for the members.

The Corporation State Office will review the Sponsoring Organization's use of AmeriCorps★VISTA members toward achieving the goals and objectives specified in the project application during periodic project monitoring visits.

Role of the Area Manager

All Corporation State Offices fall within the jurisdiction of one of the Corporation's five Area Managers. Area Managers oversee Corporation State Offices. They establish strategies for program development and delivery, allocate resources, and coordinate activities.

Role of the Service Center

Five Service Centers throughout the country provide administrative, fiscal, grants management, and training support to Cluster and State Offices. Service Centers implement and monitor systems for tracking AmeriCorps★VISTA resources allocated to the Clusters by the AmeriCorps★VISTA Headquarters Office. The Service Centers are responsible for the delivery and support of the Pre-Service Orientation.

Role of the AmeriCorps★VISTA Headquarters Office

The AmeriCorps★VISTA Headquarters Office is located at the Corporation Headquarters in Washington, D.C. This office, in consultation with Area Managers, State Offices, and Service Centers, determines policy, administrative procedures, goals, and budgetary requirements for effective program operation. The AmeriCorps★VISTA Headquarters Office also monitors progress toward achieving national program goals and priorities. The Headquarters Office allocates AmeriCorps★VISTA resources among the Clusters and ensures that Corporation staff and Sponsoring Organizations adhere to AmeriCorps★VISTA policies and procedures. The Headquarters Office also reviews and makes final decisions on certain AmeriCorps★VISTA project applications as specified in the "Notice of AmeriCorps★VISTA Program Guidelines."

Chapter 2: Overview of Your Year in AmeriCorps★VISTA

This chapter will provide you with a summary of the key events that occur during your year of AmeriCorps★VISTA service. This handbook is designed to provide information for challenges that might occur during your year of service.

The following overview outlines events that will occur for every member in AmeriCorps★VISTA during his/her year of service. It is intended to point out decisions you will have to make at certain junctures of your service in order to maximize your benefits and your experience.

Before Pre-Service Orientation

Travel to Pre-Service Orientation

Every AmeriCorps★VISTA candidate is expected to attend a Pre-Service Orientation (PSO) conducted by the Corporation for National Service. The Corporation State Office will arrange the most economic mode of travel for the candidate to and from this event. It is important to speak with the Corporation State Office immediately following your invitation to PSO to begin making these arrangements.

To make sure that all of your expenses are covered, it is essential that the arrangements be made through the Corporation State Office. There are many policies and federal regulations covering member travel and your Corporation State Office has the expertise to assist you with these details.

Registration Packet

During the time your travel arrangements are being made, the Corporation State Office will send you a packet of forms that you need to complete before arriving at the Pre-Service Orientation session. This packet contains forms, which will establish your benefits, tax withholding, and other conditions of your service as an AmeriCorps★VISTA member.

Protection of Benefits

AmeriCorps★VISTA members receive protection of certain federal and state benefits they may be receiving when they become members. This subject is covered on page 88 of this handbook in a section called “Income Exclusion of AmeriCorps★VISTA Allowances from Benefit Calculation under Federal, State, and Local Assistance Programs.” It is important to make sure that your pre-existing benefits are in place and documented before you attend the Pre-Service Orientation.

Child Care for Dependents during Pre-Service Orientation

Because of the intense nature of the orientation and the facilities used for the training, no spouses, children, or other family members may accompany members to Pre-Service Orientation. It is the member's responsibility to arrange for appropriate child care during this period and not to bring dependents to the training.

Bank Account Information

You will be asked to fill out a form at Pre-Service Orientation that will enable your biweekly subsistence allowance to be directly deposited into your bank account. Make sure you bring a copy of your bank deposit slip so that you can complete the form (SF 1199A) that you will then take to your bank (or credit union) for them to complete. Then, you should send it back to the Corporation office in Washington, D.C.

Pre-Service Orientation

Chapter 4 of this manual describes the orientation, training, and technical assistance you will receive as an AmeriCorps★VISTA member. An exciting and meaningful event, the Pre-Service Orientation will be the starting point of your year of service. As part of this orientation, you will complete all the administrative forms necessary to establish your benefits during your year of service.

Each of the following topics may become relevant during your year of service. We strongly encourage you to review each of these topics before the Pre-Service Orientation, and be prepared to make a decision or ask questions during the administrative portion of the Pre-Service Orientation.

- You will be expected to make decisions concerning life insurance coverage. *See Chapter 5.*
- You will decide whether to receive an education award or a cash stipend established for you as an end of service benefit. *See Chapter 5 for a discussion of the cash stipend and Chapter 6 for a discussion of the education award.*
- You will complete a tax form (W-4) to establish income tax withholding for your year of service. If you are eligible for an earned income tax credit, you will be expected to fill out a W-5 form. *See Chapter 5.*
- Certain members may be eligible for child care assistance in order to facilitate their service in AmeriCorps★VISTA. If you think you may be eligible for this benefit, contact your Corporation State Office and request an application and information packet. Pre-Service Orientation is the time to ask questions of the staff and make sure you have taken the proper steps to receive this benefit.
- Another important administrative detail is to confirm that your home of record, as identified on page one of your AmeriCorps★VISTA application, is correct. This

address will establish the location to which you will return immediately following your year of service. Some members recruited directly out of college may consider their parents' address as their home of record, not the "temporary" address they used while in college. *See Chapter 8.*

The Pre-Service Orientation has been designed to provide you with the necessary information to begin a successful year of national service. By now, you should have completed all the administrative tasks necessary to begin service. You will have received information defining your role as an AmeriCorps★VISTA member, the role of your project Sponsoring Organization, and the role of the Corporation State Office.

The First Week on Your Project

If you have relocated to a new community, you will need to secure housing. Before arriving, you might ask your Sponsoring Organization to send you an apartment guide or other information to acquaint you with the area. If you will not have permanent housing upon arrival, check with your Sponsoring Organization for recommendations of temporary housing while you conduct your search.

If you are relocating to a new community as part of your service, remember to notify your Corporation State Office of your new home address and phone number as soon as possible.

Your Sponsoring Organization has agreed to provide you with an On-Site Orientation and Training during your first several weeks on the project. This will provide you with an introduction to your Sponsoring Organization, the community at large, and your role during your year of service.

During this first week, it is essential that you take your SF 1199A (direct deposit form) to your bank or credit union to ensure that your subsistence allowance is deposited on time.

Early Service Training

Sometime during your first 120 days of service, your Corporation State Office will contact you to make arrangements for you to attend a second training event called an Early Service Training. The purpose of this event is to provide you with additional skills that will further your effectiveness in completing your work plan.

The Tenth Month

You will receive a Future Plans Form and other relevant materials from your Corporation State Office. The Future Plans Form will ask you to notify the Corporation

if you will be ending your service on your scheduled termination date, which, under usual circumstances, is 365 days following the day after your Pre-Service Orientation ended.

Many AmeriCorps★VISTA members find that the task to which they have committed their service cannot be completed within one year. In this case, members and their supervising agencies may request an extension of the first year of service for a specific period of time. This option is explained on the Future Plans Form. The final option is to re-enroll for a second year of service. Members are encouraged to pursue a second year with their current project or within another area of interest. Members also may want to consider applying to become an AmeriCorps★VISTA Leader.

The decision to extend or re-enroll requires permission of the Director of AmeriCorps★VISTA as delegated to the Corporation State Office and can be dependent upon funding available to the Corporation, the nature of the agreement between the Corporation and the Sponsoring Organization, and your performance and conduct as an AmeriCorps★VISTA member. Members are not entitled to an extension or re-enrollment in the AmeriCorps★VISTA program.

The Future Plans Form should be completed by the member and his/her supervisor and returned to the Corporation State Office forty-five (45) days before the member's end-of-service date.

Also, AmeriCorps★VISTA members who originally elected the cash stipend have the opportunity to change their decision and elect the education award instead. Members who initially elected the education award cannot switch their decision. If you decide to change your initial decision, you must request a “Second Choice at 10th Month AmeriCorps★VISTA Member Benefits Election Form” (Corporation Form 2a). This form will not automatically be sent to you. If you wish to change your decision, you must request that your Corporation State Office send the form to you.

Members nearing their end of service are encouraged to consider pursuing a second term of service. Members should visit the web-based recruitment system at www.americorps.org/join to search for AmeriCorps★VISTA openings by location, skill areas, or issues of interest.

The Eleventh Month

As part of their agreement with the Corporation, your Sponsoring Organization may have agreed to provide you with assistance in post-service career planning. *This process is described in Chapter 4 of this handbook.*

The Last Three Weeks on Your Project

You are now in the last three weeks of your service and preparing to move on. The following is a list of things you should do to ensure this transition is as smooth as possible.

- ✓ Make sure your supervisor has mailed your Future Plans Form to your Corporation State Office.
- ✓ Talk to your Corporation State Office to confirm your return travel plans to your home of record.
- ✓ Make sure your Corporation State Office has an accurate forwarding address for you.
- ✓ Contact your local post office for the appropriate form to request that all of your mail be forwarded to your new address.
- ✓ If you elected to receive a stipend at the end of your year of service and not an education award, you will receive \$300.00 of your accrued stipend in the check for the next-to-the-last full pay period in which you are scheduled to serve.
- ✓ Complete the End of Term/Exit Form, which will be sent to you by the Corporation State Office. This form will end your term as a member in the National Trust and report on your eligibility for an Education Award.

After You Have Completed Your Year of Service

You have up to 30 days to convert your health benefits to a private plan. *See Chapter 8 on health care.*

If you have elected a stipend, you should expect the balance to be paid with your last subsistence payment if your service is completed as scheduled, and your termination documents are submitted to the Corporation State Office as directed. This check will be sent to the member's home. *If you have elected the education award, see chapter 7.*

Upon completion of service, AmeriCorps★VISTA encourages you to become involved in our Alumni Network. As Alumni, you can help develop new initiatives, mentor or house current members, or help recruit. For more information, visit www.americorps.org/vista or call (202) 606-5000 extension 316.

Chapter 3: Your Sponsoring Organization

Introduction

Sponsoring Organizations develop AmeriCorps★VISTA projects to address the needs of low-income communities as identified by them and the community at-large. The Sponsoring Organization must be able to direct the project, supervise the members, and provide necessary training and administrative support to the project. The Sponsoring Organization must ensure that the rules, regulations, and guidelines of the AmeriCorps★VISTA program are met. Members' assignments must be designed so that once the project is completed, the low-income community is better equipped to solve its own problems, and the systems, services, funding, and/or personnel will remain in the community to continue the efforts initiated by the project.

Project Application

Every AmeriCorps★VISTA project is based on an application developed by the Sponsoring Organization. This application details the specific problem the project will address within the low-income community. It includes a work plan, which describes the specific activities the member will undertake, and a set of goals and objectives for the overall project.

The project application serves as an important assessment and recruitment tool. The goals/objectives portion of the application is the basis of subsequent Project Progress Reports, which are used by Corporation staff to monitor the achievement of individual project goals. The assignment description portion of the application is used to recruit and assign AmeriCorps★VISTA members and to summarize their required duties and skills.

Governor's Approval

Before a member is assigned, the AmeriCorps★VISTA project application must be submitted to the state or territories' governor or chief executive for approval.

Project Renewal

Sponsorship of an AmeriCorps★VISTA project can be continued beyond the duration of the original agreement if:

- progress toward achieving sustainable goals/objectives (related to capacity-building and self-sufficiency is evident);
- the project has met its obligations as outlined in the Memorandum of Agreement;

- Corporation resources are available to continue the project;
- the project conforms to the AmeriCorps★VISTA annual unified plan; and
- the governor or chief executive does not disagree.

Once the State Program Director approves the renewal application, both the Sponsoring Organization and the Corporation State Office will sign a new Memorandum of Agreement for the new project period.

Termination of Project or Assignment at Governor's Request

An AmeriCorps★VISTA project, or the assignment of a member to a project, shall be terminated no later than 30 days after the governor or chief executive of the jurisdiction concerned has filed such a request in writing with a Corporation official. The request must contain reasons for this action. The 30-day period may be extended if mutually agreed to by the Corporation and the governor or chief executive.

Memorandum of Agreement

A Memorandum of Agreement is the legal document signed by the Corporation State Office and the Sponsoring Organization establishing a project. The Memorandum of Agreement identifies federal laws and regulations applicable to AmeriCorps★VISTA projects and outlines the specific obligations of each party. The project application is incorporated as an official part of the Memorandum of Agreement. Amendments can be made to the Memorandum of Agreement only by mutual agreement between the Corporation and the Sponsoring Organization. The Memorandum of Agreement covers a period of 12 months and upon review may be renewed for a full year, or extended for a shorter period of time.

Memorandum of Understanding

A Memorandum of Understanding is a document negotiated between an AmeriCorps★VISTA Sponsoring Organization (signatory to the Memorandum of Agreement) and a participating agency or organization responsible for part of the overall project goals/objectives. The participating agency is assigned AmeriCorps★VISTA members directly from the Sponsoring Organization under circumstances specified in the Memorandum of Understanding.

The Memorandum of Understanding runs concurrently with the Memorandum of Agreement signed between the Corporation and the Sponsoring Organization.

The Memorandum of Understanding contains required language but also may include other items that the Sponsoring Organization and the participating agency desire. Any proposed changes or additions to the standard Memorandum of Understanding form must be approved by the Corporation State Program Director.

Project Advisory Group

AmeriCorps★VISTA requires each potential project Sponsoring Organization to establish a project advisory group before submitting the project application to the Corporation. The advisory group must include substantial membership of potential project beneficiaries or their chosen representatives.

The purpose of this regulation is to ensure the project is responsive to the specific needs of the community and that community members who would benefit from the project have the opportunity to play a role in its design and implementation.

In many instances, potential Sponsoring Organizations that already have an established governing, policy, or advisory group, of which at least 50% of its membership is composed of the beneficiary population, are not required to establish a separate project advisory group.

The project advisory group has the following responsibilities:

- (1) To the extent practicable, assist the Sponsoring Organization in the initial planning of a new project proposal and in the planning of a continuation project application;
- (2) Review and provide comment on the project application before it is submitted to the Corporation;
- (3) Meet with the Sponsoring Organization's staff at least twice per project year and comment on the development and implementation of the project; and
- (4) Submit, if it chooses, written reports and copies of minutes of its meetings to the Sponsoring Organization to accompany the Sponsoring Organization's completed "Project Progress Report."

Supervision of AmeriCorps★VISTA Members

All AmeriCorps★VISTA members are assigned to a Sponsoring Organization that must designate a supervisor for the AmeriCorps★VISTA project. It is the Sponsoring Organization and supervisor, rather than the Corporation, who provide day-to-day direction and guidance to the members. From time to time, Corporation State Office staff may offer advice and technical assistance such as clarifying a Sponsoring Organization's

project application or a member's assignment description, or responding to questions about AmeriCorps★VISTA policy and procedure.

In planning for the support of assigned AmeriCorps★VISTA members, the supervisor has been asked to consider all aspects of the member's assignment including:

- (1) The member's day-to-day tasks;
- (2) The relationship of these tasks to the work of staff members of the Sponsoring Organization;
- (3) The Sponsoring Organization's staff's understanding of the member's role;
- (4) The target community's expectations for the project and the member; and
- (5) The resources, facilities (e.g. reasonable accommodations for persons with disabilities), and supplies needed for the member's assignment.

The member's role in the project should be made clear to members of the target community and with Sponsoring Organization staff well before the member arrives. Much of the supervisor's role will be to anticipate needs and reactions of the member and of those with whom the member comes in contact while working on the project.

AmeriCorps★VISTA Sponsoring Organizations and supervisors are responsible for structuring the assignments so that the members' health and safety are not jeopardized during their AmeriCorps★VISTA service. These determinations are based on facts, not stereotypes, and consider specific task or service requirements. Sponsoring Organizations must not require members to perform duties that would cause them to sustain injuries.

Provision of Supervision and Transportation Funds

Adequate supervision and service-related transportation for AmeriCorps★VISTA members are primarily the responsibility of the Sponsoring Organization.

In some instances, Sponsoring Organizations may be unable to pay for supervision and service-related transportation for members. In some states, the Corporation has limited funds available to offset some or all of these costs.

Whether an AmeriCorps★VISTA supervisor is funded by the Sponsoring Organization, by the Corporation, or serves on a voluntary basis, that individual is under the direct supervision of the Sponsoring Organization on a daily basis.

Sponsoring Organizations requesting supervision or transportation funds from their Corporation State Office must sufficiently be able to account for and manage government

funds, and will be required to provide certification of such accounting capability when they apply for the grant.

Future Plans Form

The AmeriCorps★VISTA Future Plans form requires the Sponsoring Organization to evaluate the performance of a member approaching the end of his/her term of service or requesting an extension of service, *see Appendix A*. This form must be sent to the Corporation State Office 45 days before the member's end of service date.

Chapter 4: AmeriCorps★VISTA Training and Technical Assistance

Introduction

AmeriCorps★VISTA training is a shared responsibility among Corporation staff, the Sponsoring Organization, and members themselves. During training, members will be challenged to take an active role in the process. The training experience will serve as an opportunity for members to develop and test their own skills and to examine carefully their commitment to AmeriCorps★VISTA and its goals.

Once in the community, members will need to continue to improve their skills, knowledge of national and local resources, and understanding of the attitudes that contribute to or inhibit effective working relationships. Here, the training required may be as formal as workshop sessions organized by Sponsoring Organizations or as informal as member-initiated evening study in the local library. In other words, training is a continuous process of building capability for an assignment in which the member will have to supply much of the initiative and make many of the decisions.

Pre-Service Orientation

Pre-Service Orientation is the first stage in the prospective member's learning process about AmeriCorps★VISTA. It is typically a three-day event in which the member-to-be is oriented to his/her role in the community and on the project as an AmeriCorps★VISTA member.

The Corporation issues an invitation to an applicant to attend a Pre-Service Orientation session. The invitation includes registration materials, this handbook or excerpts from it, a training agenda, arrangements for travel to training, and a statement of what to expect from the session.

Pre-Service Orientation is conducted by Corporation staff, assisted by project Sponsoring Organizations and supervisors, professional training consultants, and current and former members. The orientation is generally conducted on a multi-state basis with candidates participating from several geographic locations.

All AmeriCorps★VISTA candidates are required to attend Pre-Service Orientation before beginning service. On rare occasions, attendance at Pre-Service Orientation can be deferred by the Corporation State Office and the member allowed to attend orientation shortly after enrollment in the AmeriCorps★VISTA program.

At the end of Pre-Service Orientation, trainees will have a basic knowledge or understanding of the following:

- Philosophy and goals of AmeriCorps and the AmeriCorps★VISTA program;
- The mission and structure of the Corporation for National Service;
- Role in working with community organizations and low-income persons;
- Sponsoring Organization, project work plan, and member assignment description;
- Role of AmeriCorps★VISTA member as a resource generator, facilitator, volunteer recruiter, and developer of sustainable efforts;
- Basic skills development in community analysis, communications, and public and private resource systems;
- Rights and responsibilities of AmeriCorps★VISTA members;
- Terms, conditions, and benefits of AmeriCorps★VISTA service;
- AmeriCorps★VISTA's legal and administrative requirements; and
- Role of the Corporation State Office.

Pre-Service Orientation is used by Corporation staff to make a final determination on a trainee's qualifications for AmeriCorps★VISTA service. If a trainee is deemed suitable for AmeriCorps★VISTA service, the trainee is given the oath of office. If the trainee is deemed unsuitable, he/she will be asked to leave Pre-Service Orientation and will be deselected from the AmeriCorps★VISTA program.

On-Site Orientation and Training

On-Site Orientation and Training, which is an extension of Pre-Service Orientation, takes place immediately after a member reports to his/her project site. It is conducted by the Sponsoring Organization and builds on the concepts presented during Pre-Service Orientation. On-Site Orientation and Training can last for an extended period of time because it involves the member's introduction to the Sponsoring Organization, the community-at-large, and his/her role within the community. On-Site Orientation and Training plans are developed by the Sponsoring Organization, and reviewed and approved by the Corporation State Office.

At the end of On-Site Orientation and Training, members will have a basic knowledge or understanding of the following:

- Background, purpose, and structure of the Sponsoring Organization;
- Background of the local community and identification of community leaders;
- Nature of the low-income population served by the project;
- Potential resources that can be applied to achieve project goals;
- Authorities and action clearance procedures for the members;
- Personnel and attendance policies of the Sponsoring Organization including use of equipment such as computers and the Internet;
- Specific member assignment and skills needed to accomplish tasks; and
- Evaluation of member performance by the project Sponsoring Organization.

Early Service Training

All AmeriCorps★VISTA members must receive Early Service Training within the first 120 days after Pre-Service Orientation. Early Service Training focuses on specific skills needed to accomplish project objectives and should consist of in-depth training rather than general overviews.

Early Service Training topics may include but are not limited to: fundraising, volunteer development and management, strategic planning, grassroots leadership development, community analysis, group dynamics, working with the media, project sustainability, and specific training in program issue areas. Members should be able to choose those topics that are most relevant to their assignment and skill needs.

In-Service Training

The purpose of In-Service Training is to provide AmeriCorps★VISTA members with specific skills needed to perform their assignments. In-Service Training should be designed to improve program quality and enhance networking among both members and Sponsoring Organization's staff engaged in similar activities. The Sponsoring Organization or supervisor should identify the In-Service Training needs of each member. In-Service Training is conducted by the Sponsoring Organization, by other organizations or individuals, or by the Corporation. Prior approval by the Corporation is required for all In-Service Training plans as well as the organizations and individuals that will be delivering the training.

AmeriCorps★VISTA Sponsoring Organizations are expected to identify training opportunities, workshops, etc., for members at no or minimal cost. Because Corporation

funds for In-Service Training are limited, Sponsoring Organizations requesting such funds should provide ample justification to the Corporation State Office when seeking approval.

Career Development

The Sponsoring Organization must develop a plan that includes career goal setting, skill and interest identification, and building confidence and competence in the areas of job search and job application. The career plan also will assist the member in translating his/her AmeriCorps★VISTA experiences into skills that can be marketed after the member has left service.

Sponsoring Organizations are encouraged to use their own and local resources to enhance career development for members. With prior approval, Corporation In-Service Training funds may be used for career development assistance if the training activities relate directly to the member's assignment.

Technical Assistance and Information Resources (*Internet, etc.*)

The wealth of resources available to members online continues to grow, including websites devoted to national service. Nonprofit and service organizations should use tools such as websites and listservs to access information, publicize their own agencies, and to recruit community volunteers. Listed below are some of the sites you will find useful:

www.nationalservice.org

The official site of the Corporation for National Service, this website provides information to help the public understand the mission of the Corporation for National Service. It includes information on all the programs, legislative updates, program directories, forms, and press releases.

www.friendsofvista.org

Known as the VISTA Web, this site offers substantive information on the history of VISTA, how to apply to be a Sponsoring Organization, and an archive of personal stories from former members. The site also connects directly to VISTALink where Sponsoring Organizations may submit assignment openings for distribution to college placement and career offices. Potential applicants also can browse the assignments listed. There also is a section titled "Resources for Current AmeriCorps★VISTA Members." VISTA Web is not sponsored, endorsed, or maintained by the Corporation for National Service

www.cns.gov/ameriCorps/resources/edawards.html

This is the website for information about the AmeriCorps education award. It also contains downloadable forms and forms that can be completed online.

www.etr.org/nsrc

This is the website for the National Service Resource Center, a library for participants in national service. You can subscribe to the Center's 22 listservs or download service-oriented guides and other resources.

In addition to the websites listed above, there are a number of discussion groups or mailing lists that AmeriCorps★VISTA members can join. These sites are referred to as listservs. Members can enroll to participate in online discussions with other members and supervisors working in the field of national service. These listservs include the following:

VISTAnet

This listserv is used by former VISTA members, current AmeriCorps★VISTA members, and project supervisors. To subscribe, send an e-mail to: listserv@maelstrom.stjohns.edu with the message: **subscribe VISTANET *Your Name***. VISTAnet is not sponsored, endorsed, or maintained by the Corporation for National Service.

ACLlist

This listserv is used by AmeriCorps members and project directors. To subscribe send an e-mail to: majordomo@etr-associates.org with the message: **subscribe aclist**.

VISTA-W2W

This listserv is specifically for AmeriCorps★VISTAs and supervisors working on welfare-to-work projects. To subscribe, send an e-mail to: majordomo@etr-associates.org with the message: **subscribe vista-w2w**.

Chapter 5: Financial Support

AmeriCorps★VISTA Member Allowances at a Glance

ALLOWANCE	AMOUNT RECEIVED AND WHEN	PURPOSE	INCOME TAXES
Subsistence Allowance	<ul style="list-style-type: none"><input type="checkbox"/> Amount is variable by location.<input type="checkbox"/> Rate is determined by the Corporation.<input type="checkbox"/> Paid biweekly.<input type="checkbox"/> AmeriCorps★VISTA Leaders receive an additional \$200.00 per month.	<ul style="list-style-type: none"><input type="checkbox"/> Housing, food, and utilities	<ul style="list-style-type: none"><input type="checkbox"/> Federal Taxes withheld on a biweekly basis
Stipend (Only for those not choosing the Education Award)	<ul style="list-style-type: none"><input type="checkbox"/> \$1,200 after completing 12 months of service<input type="checkbox"/> \$2,400 after 12 months for AmeriCorps★VISTA Leaders who have previously served one year as a member.<input type="checkbox"/> Remainder paid with the last subsistence check upon successful completion of service	<ul style="list-style-type: none"><input type="checkbox"/> Readjustment allowance at end of service	<ul style="list-style-type: none"><input type="checkbox"/> Federal Taxes and FICA (Social Security) withheld at time of payment
Relocation Allowance	<ul style="list-style-type: none"><input type="checkbox"/> Discretionary allowance varies by location.<input type="checkbox"/> Amount may not exceed \$550.00<input type="checkbox"/> Intended primarily for members who have to relocate	<ul style="list-style-type: none"><input type="checkbox"/> One-time payment connected with settling-in expenses	<ul style="list-style-type: none"><input type="checkbox"/> Federal taxes withheld at time of payment

Introduction

The support allowances that the Corporation provides to AmeriCorps★VISTA members are intended to cover the cost of food, housing, and other basic necessities during service. The amounts are low because members are expected to live at approximately the same economic level as the people they are serving. The allowance is an approximation of the poverty guidelines.

The Corporation assumes no financial responsibility for a member's spouse or dependent children.

AmeriCorps★VISTA Sponsoring Organizations may not supplement the subsistence allowances that the members receive from the Corporation unless specifically authorized by the Memorandum of Agreement. The Memorandum of Agreement will specify what the Sponsoring Organization and the Corporation are providing the member in each case.

Standard Allowances

Subsistence Allowance

Upon assignment as an AmeriCorps★VISTA member, the member will receive a subsistence allowance. The subsistence allowance rate is determined by the Corporation and will vary based on the local cost of living within the area in which the member is serving. AmeriCorps★VISTA Leaders receive an additional \$200.00 per month subsistence allowance.

Member subsistence allowances are computed on a daily rate and paid every other week. For example, if your subsistence allowance is \$600.00 a month, you will receive approximately \$276.00 each pay period. Allowance checks cover a 14-day period and are paid 10 days after the end of the pay period in which the allowance is earned. There are 26 pay periods in a calendar year.

Federal income tax and life insurance premiums, if applicable, are withheld from the subsistence allowance. No state, county, or city tax deductions are made. AmeriCorps★VISTA members are responsible for paying their appropriate taxes. *See Chapter 10 for information on income exclusion of benefits under federal, state, and local assistance programs.*

Stipend

During Pre-Service Orientation, AmeriCorps★VISTA candidates must select to receive either the post-service cash stipend or the education award. Candidates who choose the stipend may be eligible for other education benefits even though they did not select the education award. *See Chapter 6 for information on education benefits.* The post-service stipend, which is equal to \$1,200, is given to members who complete 12 months of service. Members do not receive a stipend if they do not complete a full term of 12 months.

AmeriCorps★VISTA Leaders receive \$2,400 for completing a full year of service. Members who re-enroll for a second or third year of service receive an additional stipend (\$1,200 for members, \$2,400 for Leaders who have previously served as members) if they complete the full year. Members who opt to extend their year of service for additional months will receive an additional stipend at the rate of \$100 per month of the extension.

The stipend is intended as a post-service readjustment allowance to offset expenses after termination because AmeriCorps★VISTA service is not credited when determining eligibility for unemployment compensation. *Refer to Chapter 10 Basic Laws and Federal Regulations.*

The stipend will be paid automatically with the last subsistence check if service is completed as scheduled and termination documents, including return of the health insurance identification card, are submitted to the Corporation State Office.

Members who continue their AmeriCorps★VISTA service will receive their stipend in the pay period in which continuation of service begins, provided all documentation has been submitted on a timely basis.

Federal income tax and Social Security (FICA) deductions are withheld from the stipend at the time of any payment.

Education Award

When an AmeriCorps★VISTA trainee attends his/her Pre-Service Orientation, the trainee receives a Benefits Election Form to complete. This form gives you the choice of either the end-of-year stipend or the education award. At the 10th month of service, a member who initially elected the stipend and has not withdrawn any amount of the stipend can change his/her decision and elect the education award. To do so, the member must request the 10th Month Benefits Election Form from the Corporation State Office. The Corporation does not send these forms out automatically.

No further changes may be made by the member. *See Chapter 7 for a complete discussion of the education award.*

Discretionary Allowances

Relocation Allowance

A relocation allowance is given normally to members serving a 12-month term of service who move from their home of record to their project site. A relocation allowance may be authorized by the Corporation State Office either on initial assignment or on project transfer. This is intended to cover initial moving expenses (security deposit, utility deposit, etc.). The amount may not exceed \$550.00. The relocation allowance is paid and taxed in the regular biweekly allowance check.

Emergency Expense Allowance

The Corporation State Office may authorize a one-time expense allowance to cover extraordinary expenses such as reimbursement for theft, fire loss, or special clothing necessitated by severe climate. This allowance is not intended to supplement the living expenses of members. Expense allowances are paid directly to the member by the Corporation's Service Center.

How Do AmeriCorps★VISTA Members Get Paid?

Direct Deposit

AmeriCorps★VISTA members are required to have their biweekly subsistence allowance sent via electronic funds transfer. To set up this option, they and their financial institutions must complete the Direct Deposit Sign-Up Form and return it to:

*Accounting Division
Corporation for National Service
1201 New York Avenue, NW
7th Floor
Washington, DC 20525*

The Corporation for National Service will process a member's direct deposit request form within five (5) business days of receipt. If the member changes his/her bank or bank account number at any time or closes the account, the member must inform the Corporation immediately. If the member believes receiving the payment electronically will cause hardship, the member has the option of receiving a U.S. Treasury check by regular mail.

All regular biweekly allowances, as well as any other taxable allowances, are recorded on the member's earning statement.

Paper Checks

For those members who, for hardship reasons, are allowed to receive a paper check, it will normally arrive at the Sponsoring Organization every other Tuesday, but may be delayed in the mail.

The earnings statement is mailed separately for both types of payments (electronic funds transfer or paper check) by the Corporation and may arrive a few days after the check or electronic funds transfer deposit.

The Corporation will mail checks to the Sponsoring Organization. Checks mistakenly sent to the Sponsoring Organization for members who have terminated early or who are no longer on the project must be returned immediately to the Corporation State Office. They should not be returned to the U.S. Treasury. The Corporation regards the Sponsoring Organization as the responsible agent for distributing members' checks. Members' check envelopes must not be opened by any Sponsoring Organization personnel.

Allowances not subject to federal income or Social Security taxes are paid directly by the Corporation and are not reflected in the earnings statement. However, the member receives an explanation of any payment along with the check. Such checks usually cover travel and per diem expenses.

Lost Checks

If an AmeriCorps★VISTA member does not receive a check, the member should confer with his/her supervisor to make sure the check has not been misplaced or is a few days late. If the supervisor determines the check is lost or stolen, the member should notify the Corporation State Office immediately by phone. The member also must report the loss in writing, indicating the pay period covered by the missing allowance, and mail or fax the signed letter to the Corporation State Office. Due to mail delivery times, one week will elapse before the Corporation Headquarters Payroll Office will be able to begin tracing lost checks. The use of electronic funds transfer eliminates this problem.

The Corporation office issuing the check will notify the appropriate U.S. Treasury office of the loss and arrange for another check to be sent. This process can take up to six weeks.

Taxes

All AmeriCorps★VISTA allowances except travel reimbursements, service-related travel payments, baggage allowances, and special expense allowances are subject to federal and state income taxes (where appropriate).

The Corporation withholds federal income tax from the regular biweekly allowance check. All members must complete a W-4 form to determine the amount of income tax withheld. If a member believes he/she is exempt from having federal income taxes withheld from his/her allowance check, the member must claim exempt status on the W-4 form. The W-4 form explains the eligibility requirements for tax exempt status. The W-4 form must be renewed every calendar year in January when an exempt status is claimed. The form may be obtained from a local Internal Revenue Service office and should be sent to the Corporation State Office.

The Corporation does not withhold any state, county, or city income tax from the member's allowance payment. However, the member must determine and conform to state tax laws by contacting the state tax office where he/she is assigned or maintains a permanent residence. The member also is responsible for paying any other appropriate taxes.

For Social Security (FICA) purposes, the stipend is taxable. The tax is withheld at the time the stipend is paid to the member. The total stipend the member receives after one year of service may be counted under Social Security regulations toward credits of coverage. The term "coverage" refers to the accumulation of 40 credits (10 years) necessary for an individual to receive Social Security benefits at retirement. The amounts required for credits of coverage are adjusted annually by the Social Security Administration. Members seeking to obtain "coverage" should contact a local Social Security office to determine if the stipend amount is sufficient to be applied.

W-2 Form – Earnings and Taxes Withheld

The Corporation will mail a W-2 form to the member by January 31st of each year showing the amount of earnings and the amount of federal taxes withheld for the preceding calendar year. If the W-2 form has not arrived by February 15th, the member should advise his/her supervisor, who will then inform the Corporation State Office.

If the member does not complete his/her term of service before the end of a calendar year, a W-2 form will be mailed in January of the following year reflecting AmeriCorps★VISTA earnings and taxes withheld during the preceding year in which the termination occurred. The Corporation must be advised of any mailing address change that occurs between the time a member terminates from AmeriCorps★VISTA service and the Corporation mails the W-2 form.

Change of address notices after termination should be sent to the Corporation Headquarters Office indicating that the address applies to a former AmeriCorps★VISTA member.

W-5 Earned Income Credit

Under the Tax Reform Act of 1986, certain families with limited income may be eligible for earned income credit. The IRS determines eligibility. Earned income credit is an amount that members may be able to subtract from their taxes. If their credit is larger than their tax, or if there is no tax, they may be eligible for a refund from the IRS even if they had no tax withheld from their pay. The earned income credit is based on a percentage of their earned income including their AmeriCorps★VISTA allowances.

If a member expects to qualify for earned income credit, the member should contact the IRS to verify eligibility. It is not the responsibility of the Corporation to verify eligibility. Thereafter, the member can choose to get credit in advance as part of the regular AmeriCorps★VISTA allowance payment. To receive the earned income credit in advance, the member must complete and file a form W-5, "Earned Income Credit Advance Payment," with the Corporation at the beginning of each calendar year. If the member receives advance payments, the member must file a form 1040, 1040A, or 1040EZ for the tax year. The W-2 form, "Wage and Tax Statement," provided by the Corporation, will reflect the amount of advance earned income credit paid. Earned income credit advance payments do not constitute wages and are not subject to income tax.

Members who are eligible for earned income credit, but do not receive the advance payment can still claim the earned income credit on their tax returns. A form 1040, 1040A, or 1040EZ must be filed to claim earned income credit even if no taxes were withheld from allowances during the year.

Receipt of earned income credit may affect the members' benefit levels under certain public assistance programs. Therefore, it is advisable to check with these programs before filing for earned income credit.

Deductions from Allowances

With permission from the member, the Corporation will make deductions from the member's biweekly allowance payment to cover court-ordered or voluntary child support or alimony payments, and court-ordered bankruptcy. IRS tax levy deductions will be made without the permission of the member. Such deductions will be shown under "Tax and Court Levies" on the member's earnings statement.

Treasury Offset Program

Effective January 1998, the Treasury Department implemented a new program for collecting debts owed to the United States. This program is called the Treasury Offset Program, and it works automatically to reduce the amount of federal payments made to people or companies that have delinquent federal debt.

Currently, this program covers all payments that the Corporation makes to AmeriCorps★VISTA members except subsistence payments. In the near future, this program may cover subsistence payments. Currently, it includes travel, other miscellaneous reimbursements, and education award payments. The money will be taken from payments made to AmeriCorps★VISTA members who are identified by the Treasury as having delinquent federal debt. Any federal debt older than six (6) months can be collected through this program. If you owe a debt of this kind, payments that the Corporation would have made to you will be taken by the Treasury Department to offset the debt. You will receive a letter from the Treasury explaining that the deducted amount is being applied to your outstanding debt. The Treasury Department's letter will include the name of the creditor agency and contact points, including telephone numbers for the creditor organization. The Corporation plays no role in this process.

The Treasury Department has entered into agreements with some states for the collection of debts, so debts owed to those states also will be collected.

Recovery of Overpayment

If an AmeriCorps★VISTA member is overpaid at any time during his/her term of service, the overpayment is collected at the rate of \$25.00 per pay period from the member's regular biweekly check, with some exceptions. If the member's overpayment is excessive, the amount may be collected at a rate higher than \$25.00 per pay period. Any overpayment still outstanding when the member terminates will be collected from the final allowance and/or stipend payments.

Overpayments, when they occur, include subsistence or travel allowances greater than the amount to which the member is entitled, and subsistence allowances paid to members

who terminated early before the Corporation was advised of their termination. To avoid such overpayments, members should give the Sponsoring Organization and the Corporation two weeks notice if they must terminate early from their AmeriCorps★VISTA service. If an overpayment still remains after deduction from the final payments, former members must pay the balance to the Corporation. Any overpayment remaining 90 days after completion of service will be turned over to a collection agency. Also, education awards will be delayed until members return all monies they were overpaid.

Life Insurance

AmeriCorps★VISTA members may purchase life insurance under a group policy with the ReliaStar Insurance Company. Enrollment in the group plan is voluntary and takes place during Pre-Service Orientation. Members or trainees who wish to purchase insurance must complete a “Designation of Beneficiary” form during training. Those who do not wish to enroll in the group policy must complete the “Waiver of Coverage” section at the bottom of the form.

Currently, insurance coverage is \$19,600 for members under the age of 60 at the time of their death, \$9,800 age 60-69, and \$4,900 for those who are age 70 and over.

The cost of the insurance premium is deducted from the member’s biweekly subsistence allowance. Coverage begins at the time of enrollment in the plan.

If the member waives coverage during training, the member cannot subsequently be covered during current service without undergoing a physical examination at his/her own expense and submitting a “Group Evidence of Insurability” form to the Corporation State Office. This form may be obtained from:

*ReliaStar
P.O. Box 1548
Minneapolis, MN 55440-1548*

The insurance company, at that time, determines solely whether to accept the member’s application.

Members may cancel their life insurance at any time by informing the Corporation State Office either in written form through the mail or by fax.

Life insurance coverage ends 31 days after the date the member’s service terminates. The member may convert to an individual life insurance policy without a medical examination if application for conversion is made within one month of termination. Conversion forms are available from the Corporation State Office.

Child Care

AmeriCorps★VISTA offers child care benefits to qualifying members. The maximum amount of child care assistance a member can receive is \$300.00 per month. AmeriCorps★VISTA members may have up to two caregivers, and it is the members' determination on how they would like to divide up the child care amount. Benefits are non-taxable to members, but may be to caregivers. Reimbursement parameters, including what type of caregivers are eligible for reimbursement in each state, are set by the Child Care and Development Block Grant.

To receive child care benefits, a member must have children under the age of 13 and be determined eligible based on income guidelines.

Whose Income is Counted:

Income received by all members of the family unit who reside in the household is counted to determine income eligibility. The family unit consists of all children in the home under age 18, biological parents of the children (married or non-married), and any legally responsible adults. Each state has income eligibility requirements, which are set by the National Association of Child Care Resource and Referral Agencies – not by the Corporation. If the member's income is above the limit, he/she cannot receive child care benefits. The subsistence allowance **cannot** be adjusted to make members eligible.

Types of Income Counted:

The following types of income are counted to determine income eligibility:

- Money, wages, and salary;
- SSI, TANF, public assistance;
- Unemployment;
- Child support or alimony;
- Worker's compensation;
- Retirement, pensions, and annuities;
- Social security;
- Self-employment; and
- AmeriCorps★VISTA subsistence allowance.

If you re-enroll for a second or third year of service as an AmeriCorps★VISTA, you must be recertified for child care benefits for each term of service.

Chapter 6: Education Award

AmeriCorps★VISTA members may choose to receive an education award upon successfully completing their service (instead of receiving a stipend) for each of their first and second completed years of service provided they have not earned an education award from another Corporation program or served for any period in which they would have been eligible for an award had they continued their service with any Corporation program, including AmeriCorps★VISTA.

An education award can be used in the following ways:

- To repay qualified student loans;
- To pay for all or part of the cost of attending a qualified institution of higher education; and
- To pay qualified expenses incurred while participating in an approved school-to-work opportunities system program.

The education award cannot be used to repay all types of student loans or to attend all schools. It is up to the member to contact those institutions in which they are planning to utilize the education award in advance of electing the education award.

Please see the section of this chapter that discusses what “qualified” institutions and “qualified” loans are.

The National Service Trust

The National Service Trust is a fund established by Congress that is used to pay for education awards and interest that accrues on qualified student loans during a term of service, for those who have completed approved terms of service.

The Office of the National Service Trust, frequently referred to as the Trust, is the office within the Corporation that manages all the various functions related to the AmeriCorps education award. *See the end of this chapter for resource information provided by the Trust.*

Education Award Amount

A full-time education award is \$4,725.00. Occasionally, a special program will be offered, for example, a summer program, that includes a “less than full year” award, which will be reduced proportionally to reflect the length of the program.

How to Qualify

To be eligible for an education award, AmeriCorps★VISTA members must successfully complete the required “term of service” for the program in which they are participating.

AmeriCorps★VISTA members must complete a Benefits Election Form at the beginning of *each* term of service and indicate whether they want to receive the education award or a post-service cash stipend.

The decision to accept an education award in lieu of the post-service cash stipend is irrevocable once the member elects the benefit at the beginning of the term of service.

At least forty-five (45) days before their end of service date, members must complete a Future Plans Form and the End of Term/Exit Form, *see Appendix A*. The project Sponsoring Organization/supervisor will then complete the evaluation portion, sign, and send both forms to the Corporation State Office. Members are entitled to review the evaluation portion before it is sent to the Corporation State Office.

The Corporation State Office is responsible for determining whether a member has successfully completed a term of service and is eligible for an education award. The Corporation State Office will indicate this on the End of Term/Exit Form.

Once notified by the Corporation State Office that a member is eligible for an award, the Trust will send the member a packet of information needed to access the award 10 days after the Trust is notified. The packet will include a Voucher and Payment Request form and instructions for filling it out. This is the document the member uses to authorize that a payment be made from their account in the Trust. Again, the member is encouraged to keep copies.

The member must complete one section of the voucher to authorize the payment. Then, the loan holder or school must complete another section and send the voucher to the Corporation for payment. Within 30 days of receipt, payments will be made directly to the school or loan holder, not to the AmeriCorps★VISTA member. The Corporation will notify the member that a payment has been made and send the member another voucher to be used for future payments. The voucher will reflect the new balance in the member’s Trust account.

If a member withdraws or fails to complete a period of enrollment in an institution of higher education or in an approved school-to-work program for which the Corporation has made payments, the approved program that received the education award payments will need to provide a fair and equitable refund to the Corporation as described in 45 CFR § 2528. Any refund will be credited to the member’s Trust account.

Pro-Rated Education Award

Under extreme circumstances, AmeriCorps★VISTA members who leave service early (other than those members who were terminated by the Corporation State Program Director for misconduct and for cause) may qualify for a pro-rated education award. Members have the primary responsibility for demonstrating that compelling personal circumstances prevent them from completing the term of service. The Corporation State Program Director has the authority to approve member eligibility for a pro-rated education award if the member must leave service early because of a compelling personal circumstance such as:

- (1) Serious or critical illness or disability of the AmeriCorps★VISTA member.
- (2) Death or critical illness or disability of an immediate family member (spouse, parent, sibling, child, or guardian) if this makes completing a term unreasonably difficult or impossible.
- (3) Conditions attributable to the program or otherwise unforeseeable and beyond the member's control such as a natural disaster, a strike, relocation of a spouse, or premature closing of a project or program that makes completing a term unreasonably difficult or impossible.

A pro-rated education award may be given for public policy reasons as determined by the Corporation, including:

- (a) Military Service obligations; or
- (b) Acceptance by a member of an employment opportunity if the member is a recipient of Temporary Assistance to Needy Families. (TANF is the successor program to AFDC.)

Compelling personal circumstances do not include leaving a program to enroll in school, obtain employment (other than described above), because of dissatisfaction with the program, or enroll in another Corporation program.

If a member leaves AmeriCorps★VISTA service for compelling personal circumstances and has completed at least 15 percent of the required term of service, the member is eligible for a pro-rated portion of the education award corresponding to that portion of the term served. For example, if a member served 219 days (which is 3/5 of a service year), the member would earn an education award of \$2,835.00 ($\$2,835.00 = 3/5$ of \$4,725.00).

In order to qualify for a pro-rated education award, a minimum of 55 days must be served. Any term of service short of 55 days is ineligible for any credit toward an education award.

Number of Awards

Individuals are eligible to receive up to two awards. **Participants may not receive more than two education awards regardless of whether they are for full-time or less than full-time terms of service.** For example, if an AmeriCorps★VISTA member had previously served for four months as an AmeriCorps★NCCC member and received a pro-rated education award for his/her service, he/she is only eligible to receive one more education award. Or, if an AmeriCorps ★VISTA member previously served as a part-time with an AmeriCorps state program, he/she is only eligible to receive one more education award.

The Two-Term Rule

Although a member may serve in Corporation programs for three years, individuals may only receive a national service education award from the Trust for the first and second terms of service. Enrollment in an approved national service position counts as a term of service unless the member is released from service for reasons other than misconduct before completing fifteen (15) percent of his/her term of service.

Release for Cause

A member who is terminated early, before completing an originally-approved term of service, is not eligible for any portion of an education award unless compelling personal circumstances are demonstrated and the member was not released for cause. A term of service from which a member is terminated early counts as one of the two terms of service for which an individual may receive an education award.

Transfer between AmeriCorps Programs

A member who transfers from one AmeriCorps program to another (to or from AmeriCorps★VISTA, National Civilian Community Corps, or AmeriCorps State or National programs) before completing a full term of service will not receive credit toward an education award for that service.

Moreover, the two-term rule will apply to those who leave an AmeriCorps program and enroll in another before completing the term of service. This distinction is important because each program limits the number of terms of service an individual may perform. A term of service for an AmeriCorps★VISTA is defined as 365 days following the completion of Pre-Service Orientation.

To earn an education award, a full term of service is required. The only exception to this policy is discussed under “Pro-Rated Education Award” in this chapter.

Time Limit on Use of Education Awards

Each education award must be used within seven years of the completion of the service period for that award, unless the Corporation authorizes an extension. The education award can be divided up and used any of three ways described at the beginning of this chapter. For example, a portion of the award could be applied to repay existing qualified student loans and the remainder saved to pay for authorized college costs in the future.

Ineligibility for Controlled Substance Conviction

An AmeriCorps★VISTA member who is convicted under federal or state law of the possession or sale of a controlled substance is not eligible to use the education award from the date of the conviction until the end of a specified time period based on the type of conviction. Contact the Trust Office to learn more about this restriction.

Taxes

The IRS has determined that any education award payment made on behalf of a member during a particular calendar year **will be considered taxable income** and reported to the Internal Revenue Service. Before the end of January of the following year, the Trust will send members an IRS Form 1099 that states the amount that was reported to the IRS. This amount must be included as income on members' tax returns. The Trust does not withhold any amount from the education award.

Additionally, any payments of accrued interest made on behalf of a member will be reported to the IRS as taxable income.

Tax Credits

As a result of the Taxpayer Relief Act of 1997, many AmeriCorps★VISTA members using their education awards may obtain substantial relief from federal taxes.

This relief comes in the form of the Hope Scholarship Credit and the Lifetime Learning Credit, as well as a deduction for certain interest payments on qualified student loans. These benefits are available generally to people who are paying qualified tuition and related expenses to an eligible institution of higher education either for themselves or for members of their families.

If you are eligible for the education tax credits, you will need to fill out a Form 1040 (line 44), or 1040A (line 29) and attach form 8663. Members should become familiar with the details of the new credits. For example, the education credits designed to reduce your taxes are based only on tuition and related expenses required for enrollment at an

eligible educational institution and not on books, room and board, student activities, equipment, or transportation.

If you are eligible for the qualified student loan interest deduction, you need to file a Form 1040 (see line 24) or 1040A (see line 16). Payments toward interest, not principal, lower your taxable income.

For help with specific questions, please contact the IRS at 1-800-829-1040, or your tax professional.

Postponing Repayment of a Qualified Loan while Serving

An AmeriCorps★VISTA member may be eligible to postpone the repayment of his/her qualified student loans while he/she is serving as an AmeriCorps★VISTA. While AmeriCorps★VISTA members may be eligible for more than one type of postponement under federal government regulations, those who have opted for earning an education award are uniquely eligible for a postponement based on their national service.

During this postponement, called a forbearance, interest will continue to accrue on the loans, but the member will not be required to make any payments during the period in which he/she is earning an education award. See the “Payment of Accrued Interest” section later in this chapter for information on having this interest paid.

To place a loan in forbearance, the AmeriCorps★VISTA member needs to request it of the loan holder. Only the loan holder has the authority to grant forbearance. In the forbearance process, the National Service Trust merely verifies that the individual is serving in an approved national service position.

If the loans are in default, there is no requirement for the loan holder to place the loans in forbearance. However, there may be ways to bring a loan out of default, which would make it eligible for forbearance. Members should contact their lenders for further information.

Process for Requesting Forbearance

In order to be granted **any** of the various types of postponements on qualified student loans, borrowers must request it. The request for forbearance based on national service can be made easily by using the Federal Education Loan Forbearance Form provided at Pre-Service Orientation, see *Appendix A*. The form may be photocopied. Forms also are available from the Corporation State Office.

Occasionally, a loan company may ask for additional information or require that the borrower complete one of its own forms. After filling out the borrower’s portion of a forbearance request form (either the standardized form or the lender’s form), members should submit it to the Trust Office address listed at the end of this chapter.

Make sure to include the loan holder's name and address. Once the Trust receives the request, it will certify that you are participating in an AmeriCorps★VISTA project, and will then forward the documents to the loan holders. Make a copy for your records. Normally, the loan holder will notify the borrower when forbearance has been granted. If you have not heard from the loan company within three weeks from the time you mailed the form to the Trust, you should call the loan holder (most have toll-free lines) to make sure that the paperwork has been received and that forbearance has been granted.

Forbearance or Deferment?

National service is one of several circumstances that allow borrowers to postpone the repayment of their qualified student loans. Other situations include being a student, serving in the military, unemployment, teaching in specific high-need areas, or working as a volunteer with a nonprofit organization. Some of these postponements are called deferments, and some are called forbearances.

The responsibility for paying the interest that accrues, whether the borrower or the U.S. Government is responsible for paying it, depends upon the type of loan and when it was made.

Special requirements and conditions are associated with each of the deferments and forbearances, depending on the type of loan and when it was made. These may include time limitations and quarterly interest payments.

AmeriCorps★VISTA members who are earning an education award may be eligible for loan forbearance or deferment based on the fact they are earning an award or one of the other circumstances described above. However, there are several advantages for obtaining forbearance based on national service, over another type. Forbearance based on national service does not "count against" the three-year time limits that go with other types of postponements. Interest payments are not required during the term of national service, even on a quarterly basis. Remember that any accrued interest paid on behalf of a member is subject to income taxes.

If members wish to learn more about other types of postponements for which they might be eligible, they should review their promissory note or contact their loan holder.

Perkins Loans/Alaska Loans and Forbearances

There are two types of qualified student loans for which the education award can be used that are not currently covered by the federal laws requiring loan holders to approve forbearance based on national service. There currently is no federal requirement for a loan company to grant forbearance for federal Perkins loans or loans issued to a member by the Alaska Commission on Post-Secondary Education.

If an AmeriCorps★VISTA member finds that a holder of one of these two types of loans will not grant forbearance based on national service, there may be other postponement options available. For example, he/she may be eligible for a deferment or

forbearance based on economic hardship during the service period. Members should contact their loan holders if they wish to learn about other types of postponements for which they may be eligible.

Since both Perkins loans and loans issued to a member by the Alaska Commission on Post-Secondary Education are included in the Trust's legal definition of qualified student loan, AmeriCorps★VISTA members can use their education awards to make payments against them.

Partial Cancellation of Student Loans

AmeriCorps★VISTA members who earn education awards are not eligible to receive the Perkins loan partial cancellation for the same service period for which they earned the award. Members who choose to earn a stipend may be eligible for the cancellation.

Qualified Loans

AmeriCorps★VISTA members can use their education awards to repay qualified student loans they have or may acquire. Generally speaking, a “qualified student loan” is any federally backed student loan that is in the student's name. The Trust's legislation has been modified to include loans made directly to members by the Alaska Commission on Post-secondary Education. This is subject to change each year with the Corporation's appropriation statute. A list of the most common qualified loans is shown on the following page.

The technical definition of a qualified student loan, stated below, is contained in the legislation of the National Service Trust and the regulations for the National Service Trust.

A qualified student loan is any loan made, insured, or guaranteed pursuant to Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 *et seq.*), other than a loan made to a parent of a student pursuant to section 428B of the Act, and any loan made pursuant to Title VII or VIII of the Public Service Act.” (42 U.S.C. 292a *et seq.*). The regulation further defines a qualified student loan as “any other loan designated as such by Congress.

If AmeriCorps★VISTA members do not know if their loans are qualified, they should ask their lenders. There should also be a citation on the loan papers, referring to Title IV of the Higher Education Act, Title VII or VIII of the Public Health Services Act, or the Alaska Commission on Post-Secondary Education.

There may be student loan programs offered by states and schools that are not qualified. Members must be sure to ask their loan holders to see if the loans are qualified, using the definition in the Trust's legislation. They should get written confirmation if there is any question. A loan program that pays off previous qualified

education loans and creates a new loan for the purpose of offering a single payment option, such as credit card consolidation, is not a qualified loan. However, there is a federal consolidation loan specifically for that purpose that is a qualified Title IV loan. Members who want to consolidate qualified student loans need to make sure that they do it through a Title IV Federal Consolidation Loan, if they want to use their Education Award to repay it or have the interest paid on it.

Common Qualified Student Loans

Federal Family Education Loans
Subsidized and Unsubsidized Stafford Loans
Supplemental Loans to Students (SLS)
Federal Consolidated Loans
Guaranteed Student Loans (predecessor to Stafford Loans)
Federally Insured Student Loans (FISL)
William D. Ford Federal Direct Loans
Direct Subsidized and Unsubsidized Stafford
Direct Subsidized and Unsubsidized Ford Loans
Direct Consolidation
Loans under the Public Health Service Act
Health Education Assistance Loans (HEAL)
Health Professions Student Loans (HPSL)
Loans for Disadvantaged Students (LDS)
Nursing Student Loans (NSL)
Primary Care Loans (PCL)
Loans in the Federal Perkins Loan Program
National Defense Student Loan
National Direct Student Loan
Loans made directly to students by the Alaska Commission on Post-secondary Education

Schools Matching the Education Award

The schools listed below offer a limited number of competitive scholarships that match the funds available from the AmeriCorps education award. These funds may be used with any of the programs of study in these schools:

Augsburg College, Minneapolis, Minnesota
The Evergreen State College, Olympia, WA
John Hopkins University, Baltimore, Maryland
Loyola University, Chicago, Illinois
Sterling College, Craftsbury Common, Vermont
Union College, Bourbonville, Kentucky
Wentworth Institute of Technology, Boston, Massachusetts
New Rochelle College, New Rochelle, New York

Other schools may offer matching funds or special opportunities for former AmeriCorps★VISTA members. For an updated listing, visit www.americorpsalums.org.

Qualified Institutions of Higher Education

U.S. Schools

For purposes of the education award, a “qualified institution of higher education” is an institution that has a Title IV Program Participation Agreement with the U.S. Department of Education (Title IV refers to a section of the Higher Education Act that authorizes student aid). This simply means that the school participates in the federal student aid programs, – i.e., it has an agreement with the U.S. Department of Education whereby students are eligible to receive federal financial assistance to attend the school. This assistance includes Pell grants or one of the federal loans listed under “Common Qualified Student Loans.”

A school may be fully accredited and offer quality graduate degrees, but unless it is a school that participates with the U.S. Department of Education in Title IV financial assistance, by law, the education award cannot be used there. AmeriCorps★VISTA members should ensure that the school they wish to attend or one in which they expect to repay an existing school loan is “qualified” before selecting the education award.

It is not possible to determine whether a school is Title IV merely by the name of the school. Most two and four year institutions in the United States are Title IV schools. Thousands of technical and trade schools are Title IV as well. Art schools, beauty schools, and truck driving schools may be Title IV. In order to become a Title IV school, an institution has to meet certain requirements and obtain an agreement with the U.S. Department of Education. This agreement is called a Title IV Program Participation Agreement.

To Find Out if a School is Qualified

Students can ask their financial aid office if the school is a Title IV institution. Another way to find out is to learn if students who attend the school are able to use Pell grants, Perkins loans, or Stafford loans to attend the school. If they are able, it is a Title IV school. These are examples of some of the most common types of Title IV assistance.

Another way to find out if a school is a Title IV institution is to call the toll-free number at the U.S. Department of Education’s Federal Student Aid Information center between 9:00 a.m. and 8:00 p.m. (Eastern time), Monday through Friday. That number is 1-800-433-3243. You also can conduct an online search from the Department of Education’s website at www.ed.gov/offices/OSFAP/Student/apply/search/html.

Foreign Schools

The education award may be used to attend many schools outside the United States. A member should always check to see if the school qualifies before enrolling if he/she intends to use the education award to pay for schooling.

If the schools outside the United States participates in the U.S. Department of Education's Federal Family Education Loan (FFEL) Program, the AmeriCorps education award can be used there. AmeriCorps★VISTA members can find out if a particular school participates by calling the Department of Education at 1 (800) 433-3243. Individuals who use this number should ask if the school "participates in the FFEL Program." The caller should have the name and location of the school before making the call. This number is not for questions concerning using the education award; it is to see if a foreign school participates in the FFEL program.

Another way to approach attending schools overseas is to obtain a qualified student loan to attend the foreign school and use the education award to repay the loan. The loan would be paid like any other qualified student loan.

Also, many Title IV post-secondary institutions in the United States offer educational opportunities abroad. As long as the member is considered by the qualified U.S. school to be a student at the school and the payment goes to the U.S. school, this is an allowable use of the education award.

Qualified Expenses to Attend School

The AmeriCorps education award can be used to pay the portion of a member's cost of attendance that is not covered by other sources of financial aid such as scholarships, loans, grants, and tuition or fee waivers. The U.S. Department of Education developed the term "cost of attendance" for use by Title IV schools. Schools use it whenever a student applies for federal financial assistance. It is the school's estimate of what it will cost for a student to attend for a specific period of time.

For a full-time student, it can include tuition and fees, an allowance for books, an room and board, transportation, and other expenses. It is important to note that every Title IV school determines the cost of attendance for its students. This is not an amount determined by the member or by the Trust. The cost of attendance should be used by the school to calculate the amount for which the student is eligible to use the education award.

The AmeriCorps education award can be used for that portion of the cost of attendance that has not already been covered by other sources of financial assistance. For example, if a school has determined that the cost of attendance for a academic year is \$12,000.00 and the student is receiving \$8,000.00 worth of scholarships and loans, the student would be eligible to use up to \$4,000.00 of their education award to pay the remaining cost of attendance. In other words, \$8,000.00 of the \$12,000.00 of expenses has already been paid, leaving \$4,000.00 to be covered.

Normally, the cost of a computer is not included in the cost of attendance. However, the school's financial aid office will know if that particular school includes computers in

the cost of attendance. Students should be able to learn from the financial aid office what the cost of attendance is before submitting their voucher for payment.

Schools receiving a check from the Trust often will keep the amount that is owed them (such as tuition, fees, and if applicable, dorm fees) and release to the student any allowances that the student pays to other parties (such as allowances for books, transportation, and room and board) if the full-time student is living off campus. The school should follow the same rules for the education award that it follows for other federal financial assistance regarding reimbursements to students. Reimbursement can be handled in a variety of ways. Some schools write the student a check while others establish an account in the student's name. Some schools handle book and supply purchases by issuing students vouchers that can be used at the school's bookstore. Members should ask their financial aid office if they have specific questions about the school's reimbursement policies.

Schools may reimburse students for allowable expenses that were previously paid by the student *as long as the costs are for the current enrollment period*.

Bookstores and the Education Award

The law requires that the AmeriCorps education award be designated to a qualified school (and holders of qualified loans). The Trust strongly encourages members to first take their education awards to the financial aid office of the qualified school they wish to attend. The financial aid office monitors financial assistance received by students and is able to determine how much of a student's award he/she is eligible to use and whether a student's cost of attendance has been met by other sources. The financial aid office can legally represent the school in verifying that certain requirements are met. A bookstore cannot do this.

If a school will not complete the Voucher and Payment Request Form for the books and supplies in a student's cost of attendance, the National Service Trust can send a payment to the bookstore only if it is the institution's official bookstore. The check will be made out to the qualified school and mailed to the attention of the bookstore.

Because school bookstores usually are unable to monitor the amount of financial assistance a student is receiving and cannot determine if the education award will cause a student to exceed their cost of attendance in financial assistance, there is a much greater chance of these vouchers being returned to the school for additional certification before a payment can be made.

Payment of Accrued Interest

AmeriCorps★VISTA members are eligible to have the National Service Trust pay all or a portion of the interest that accumulates on their qualified student loans while they are earning their education award. These payments are made above and beyond the education award, and they will not be deducted from the member's education award

account. To be eligible to have “accrued” interest paid, the loan must have been in forbearance or deferment status during the service period and the member must have successfully completed a term of service.

The Trust cannot pay for interest that accrued outside a member’s service period. It also cannot pay interest if the member did not earn an education award.

Generally, the Trust will pay all of the interest for full-time members who complete their term of service within a year and a portion of the interest for members who had to end their service early for compelling reasons. The portion that the Trust pays is based on a formula contained in the regulations that govern the National Service Trust.

Process for Getting the Interest Paid

The Trust will pay the interest when it has:

1. Verification from the project that the member has completed service and is eligible for an education award, and
2. Documentation from the loan holder showing the total amount of interest that accrued.

The Trust can make payments from statements or bills produced by loan companies if they contain the actual dates of service (month, day, and year) and the total amount of interest that accrued. However, completing the Interest Accrual Form (*see Appendix A*) is a more accurate and convenient method for having this information forwarded to the Trust. The Interest Accrual Form may be used to request this interest information from a holder of a qualified student loan.

Benefits of using the Interest Accrual Form include:

- The Form puts in written form a request that the information be provided to the Trust. Lenders usually require written permission to share loan information with a third party, and this form accomplishes that.
- It allows members to ask for the information based on the dates they put on the form. Statements from lenders frequently have to be returned because the interest amount is based on incorrect dates.
- It includes the option for the loan holder to provide a daily interest accrual amount.

Up to 90 days prior to a member’s end of term of service, he/she may initiate the process to have his/her interest paid. This action also may occur following the completion of service. Members need to make sure that their loan holders inform the Trust of the total amount of interest that accrued during their service period. To have this interest information sent to the Trust, members should complete the top portion of the Interest Accrual Form and send it to their loan holder(s). Each loan holder will complete

the lender portion of the form and forward it to the National Service Trust at the address on the form. The member may want to ask the loan company for a copy of the completed form for his/her records.

When the Trust receives the form, it will be reviewed to make sure that the member has completed the service and the dates are correct. Then a payment will be made to the loan holder.

For More Information

The Corporation State Office may be able to answer many questions on AmeriCorps education benefits.

The National Service Trust also has a toll free number that has recorded messages to answer award questions of a general nature, to make address changes, and to request a duplicate voucher. The number is 1-888-507-5962. For more detailed information about specific awards or payments, call the National Service Trust at (202) 606-5000, ext. 347. Or you can write to them at:

*National Service Trust
Corporation for National Service
1201 New York Avenue, NW
Washington, DC 20525*

Chapter 7: Travel and Transportation Support

Travel Payments

All AmeriCorps★VISTA candidate and member official travel outside the project area, as well as the mode of travel outside the project area, must be approved in advance by the Corporation State Office. This includes travel from:

1. Home to site;
2. To and from training events;
3. Project site to events, conferences, etc.; and
4. Project site to home of record upon close of service.

The Corporation will pay for official travel only within the continental United States, except for AmeriCorps★VISTA members who are serving in or whose home of record is in Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, or American Samoa. All members who are authorized by the Corporation to relocate from their home of record to serve in AmeriCorps★VISTA will be reimbursed for travel and baggage expenses as described in this chapter. **All travel payments are subject to Treasury Offset** (*see page 31*).

Travel by Commercial Carrier (Air, Train, Bus, or Boat)

AmeriCorps★VISTA candidates or members who are authorized to travel by air, train, bus, or boat will receive a prepaid ticket and \$15.00 each way (from home of record to destination and return) for miscellaneous travel expenses such as taxi fares, parking fees, etc. If costs exceed \$15.00, members will be reimbursed for actual expenditures after providing receipts to their Corporation State Office. All travel provided by commercial carriers will be at the lowest rates available. In exceptional circumstances, members may have to purchase their own tickets, which will be reimbursed at the lowest commercial carrier fare available.

Mileage costs incurred by members between home and commercial carrier stations will be reimbursed at the federal mileage reimbursement rate.

Travel by Automobile

AmeriCorps★VISTA candidates or members authorized to drive their own cars (from home to destination and return) will be reimbursed at the federal mileage reimbursement rate, which is currently 34.5 cents per mile, plus \$10.00 for every whole multiple of 100 miles. This covers per diem expenses while en route. If the candidate or member is a rider in the vehicle, or drives a vehicle for which his/her Sponsoring Organization covers

mileage reimbursement, he/she will be paid only \$10.00 for every whole multiple of 100 miles traveled. Mileage is computed on the basis of the Rand McNally standard mileage guide. Reimbursement rates for members driving to Alaska may vary depending on project location, travel routes (highways vs. ferry), and Sponsoring Organization agreements with the Corporation.

If a candidate relocates using a privately owned vehicle to attend the Pre-Service Orientation, and the car is not authorized for use on the project by the Corporation, the candidate will receive the cost of common carrier or the federal mileage reimbursement rate, whichever is less. The candidate also will receive \$15.00 for miscellaneous expenses.

Travel by Motorcycle

AmeriCorps★VISTA members traveling by motorcycle or motor scooter are reimbursed at the federal mileage reimbursement rate of 24.5 cents per mile, plus \$10.00 for every whole multiple of 100 miles traveled.

Food and Lodging Expense

Per diem, a daily expense allowance for food, lodging, and miscellaneous expenses, may be authorized for conference or consultation travel that the AmeriCorps★VISTA member is required to make during service. Members will be reimbursed for actual expenses not to exceed \$80, the standard federal government per diem rate. The State Director will adjust rates for high-cost cities on an individual basis. For example, if the member attends a conference at an expensive facility and is required to stay there, additional per diem may be authorized.

Reimbursement

- ◆ To claim reimbursement for all travel except close-of-service travel or service-related travel, the member must complete part I of the “AmeriCorps★VISTA Payment Voucher,” Form 531, *see Appendix A*.
- ◆ The Corporation will complete part II of the form, and the U.S. Treasury sends the member a reimbursement check.

Travel Payment at End of Service

In the 10th month of service, members will receive the “AmeriCorps★VISTA Future Plans or Early Termination Request” form to indicate the mode of travel to be used in returning home, *see Appendix A*. Based on that information, the Corporation will send the member either a prepaid ticket or a check for travel from the project site to the member’s home of record. The ticket or check will arrive before the member’s scheduled departure. If the member fails to sign and return the termination voucher within 30 days after completion of service, no reimbursement will be made.

Members terminating early also must complete the “AmeriCorps★VISTA Member Future Plans or Early Termination Request” form indicating the mode of travel to be used for their return home. The Corporation will send a prepaid ticket or check to the project. If there is insufficient time to process the ticket or check before the member’s termination, it will be sent to the forwarding address specified on the form.

Payment for termination travel by private automobile will be made only if one of the following is true:

1. The member was authorized to bring a car to training, and the member used the car for project activities during service; or
2. The cost of reimbursement for private vehicle travel is less than that for common carrier.

If neither of these is true, the member will be reimbursed at the rate of the lowest commercial carrier fare.

Baggage Shipment within the Continental United States

AmeriCorps★VISTA members are authorized a baggage allowance for shipment of personal effects between home of record and project site both on initial assignment and at close of service.

In the event of transfer to a new project, an allowance is authorized for shipment between the two project sites. In order to receive reimbursement, the member must submit a “Volunteer Payment Voucher” with receipts attached to the Corporation State Office within thirty (30) days of shipment of any baggage, *see Appendix A*.

The baggage allowance, based on direct mileage between two points, is \$25.00 per 100 miles, rounded to the nearest hundred, with a maximum of \$500.00. The weight of the shipment is not considered in determining the reimbursement. **In all cases, members must provide receipts.**

The baggage allowance is paid by check from the Corporation and should reach the member within his/her first month on the project. For shipment related to close of service, the check should be received before or within a month following departure.

Baggage Shipment outside the Continental United States

On initial assignment, termination, or transfer, the AmeriCorps★VISTA member may request a government bill of lading (GBL) to pay for the cost of shipping up to 100 lbs. by air freight between home of record and project, or between project sites.

The member should send a written request for a Government Bill of Lading to the Corporation State Office at least three weeks before shipment is to be made. Addresses where the baggage will be shipped from and to must be provided.

Service-Related Transportation

For an AmeriCorps★VISTA member to perform the project assignment effectively, transportation may be essential. The Sponsoring Organization is responsible for determining the service-related transportation needs of members. As a general rule, members are expected to use public transportation in connection with their work when it is available and adequate.

When public transportation is not adequate, the Sponsoring Organization has the primary responsibility for providing or supporting vehicles used by members in the performance of their assignments. In some instances, AmeriCorps★VISTA may assist in the provision of funds for mileage reimbursement or leasing a vehicle.

Members performing their assigned duties may not transport passengers other than those determined by supervisory authority to be directly related to and within the scope of the member's official responsibilities. There will be a presumption that a member is not in the performance of official responsibilities when transporting unauthorized persons.

In the event it is determined that the member was performing official activities while transporting unauthorized passengers, the passengers will not be covered by the government for personal injury; and the member may be personally liable for injury to the passengers and subject to appropriate administrative action.

Vehicles Owned by Another Person

Ordinarily a member will not be authorized to use a vehicle owned by another person (including that of a relative or another member) while conducting official project-related travel. If unusual circumstances require the use of a vehicle owned by another person, prior approval must be obtained from the State Director.

Authorization to Use Vehicle

The Sponsoring Organization or supervisor must fill out Form V-81, "AmeriCorps★VISTA Use of Vehicles and Public Transportation," whenever any or all

of the following are used by individual members for service-related transportation, *see Appendix A*:

1. Sponsoring Organization-owned or Sponsoring Organization-leased vehicle;
2. Member-owned or member-leased vehicle;
3. Vehicle owned or leased by another person and approved for member use by the State Director; or
4. Public transportation.

Form V-81 is needed to provide coverage under the Federal Tort Claims Act. Completed Form V-81s must be sent to the Corporation State Office by the Sponsoring Organization before the member uses the vehicle.

The types of approved member service-related transportation and the reimbursement responsibilities of the Sponsoring Organization and/or the Corporation must be clearly stated in the Memorandum of Agreement between the Corporation and Sponsoring Organization.

Licensing and Insurance

Sponsoring Organizations and AmeriCorps★VISTA members are responsible for complying with all laws concerning vehicle registration, operator licensing, and insurance on any vehicles used officially or unofficially by members in the state and locality where they serve/reside. Members are covered by the Federal Tort Claims Act (*see Chapter 10*) for third-party liability (e.g., damage or injury to others only while in the performance of official duties). However, the Corporation is not responsible for any damage to the member's own vehicle; thus it is essential that members maintain adequate insurance on their own vehicles.

Privately Owned Vehicle

If a privately owned vehicle is necessary to carry out the AmeriCorps★VISTA member's assigned duties, authorization for its use on the job must be obtained from the Corporation State Office.

- ◆ The Memorandum of Agreement between the Corporation and the Sponsoring Organization specifies what portion of the member's mileage expenses for assignment-related purposes will be provided by the Sponsoring Organization. In these cases, the member will receive reimbursement directly from the Sponsoring Organization.
- ◆ In some instances, the Corporation may provide all or a portion of the member's mileage expenses for assignment-related purposes. This payment may be accomplished through a transportation grant to the Sponsoring Organization in which

the Corporation provides the Sponsoring Organization with funds to reimburse the member.

- ◆ Before members can receive service-related transportation reimbursement, the Corporation State Office must authorize in writing that the member may drive a car for assignment-related purposes. To request such authorization, the member and project supervisor must submit a completed Form V-81 to the Corporation State Office.
- ◆ The Corporation or the Sponsoring Organization, as specified in the terms of the Memorandum of Agreement, will reimburse members for approved service-related mileage at the rate established under the Sponsoring Organization's reimbursement policy, but not to exceed the federal mileage reimbursement rate.
- ◆ These reimbursement rates are intended to cover gas and oil, wear and tear, and routine maintenance.
- ◆ If the Corporation is reimbursing the member directly for service-related mileage expenses, the member must submit a completed "Statement of Mileage" form (*See Appendix A*) at the end of each month to the Corporation State Office. The Corporation reimbursement is subject to the Treasury Offset, if applicable to the member.
- ◆ If the Sponsoring Organization is reimbursing the member for service-related transportation expenses through a grant from the Corporation, the member should submit a mileage statement form to the Sponsoring Organization. The Sponsoring Organization will reimburse the member within one month.
- ◆ If a member is not authorized by the Corporation to drive a vehicle on the job, the Corporation will provide no reimbursement for operating expenses.

Sponsoring Organization Owned or Leased Vehicle

Vehicles owned by or leased to a Sponsoring Organization may be authorized for service-related transportation if necessary to carry out the member's project assignment.

The Memorandum of Agreement between the Corporation and the Sponsoring Organization specifies what part of the operating, maintenance, and insurance costs of vehicles the Sponsoring Organization owns or leases will be paid by the Sponsoring Organization. In some instances, the Corporation may provide funds for these purposes through a grant to the Sponsoring Organization. In either case, the member will receive reimbursement directly from the Sponsoring Organization for out-of-pocket expenses.

Public Transportation

Sponsoring Organizations normally will pay for any public transportation expenses. However, in exceptional circumstances, the Corporation may authorize a public

transportation allowance that will be paid directly to the member on a monthly basis or to the Sponsoring Organization through a transportation grant. To be eligible to receive such payment, the member and project supervisor must submit a completed Form V-81 to the Corporation State Office for authorization.

AmeriCorps★VISTA members who work in urban projects ordinarily are not authorized to drive privately owned vehicles on the job. However, State Directors may make exceptions to this policy when, in their judgement, circumstances warrant the use of privately owned vehicles for project work.

Accidents

In case of an accident occurs while a member is driving a privately owned vehicle within the scope of his/her AmeriCorps★VISTA duties, the exclusive remedy for a member's liability for injuries or property damage sustained by third persons is the Federal Tort Claims Act. The Corporation is not responsible for any damage to the member's own vehicle.

If an accident occurs, the member must summon the local police, comply with local requirements, and within two days of the accident make sure the following actions are taken:

1. The member must complete Form SF-91, Sections I-IX, "Operator's Report of Motor Vehicle Accident," *see Appendix A*. The member's supervisor must complete Section X, Blocks 71-80. The supervisor does not complete Blocks 81-82c. Sections XI-XIII are completed only if bodily injury, fatality, and/or damages exceed \$500.00.
2. The supervisor and the member must properly complete GSA Optional Form 26, "Data Bearing Upon Scope of Employment," which indicates whether the member was within the scope of the project assignment at the time of the accident, *see Appendix A*.
3. Where appropriate, the member must obtain the names and addresses of witnesses and, if possible, obtain a completed SF-94, "Statement of Witness" from each witness, *see Appendix A*. Where there are no witnesses and therefore a SF-94 cannot be prepared, a statement to this effect will be included in both the operator's report (SF-91) and certified by the supervisor.

In all instances where state laws require an official police report based on the extent of damages, a copy of such report must be included along with the other forms mentioned previously. In all cases involving damage to property (regardless of how minor), an official police report, if available, must be included and attached to Form SF-91.

An original and one copy of all reports noted in paragraphs 1 – 3 as well as the police report, if appropriate, must be submitted to the Corporation State Office. The Corporation State Office will forward the original report(s) to the Corporation's Office of

General Counsel. Both the member and the Sponsoring Organization should retain copies of all forms submitted for their own records.

All members and Sponsoring Organizations are prohibited from making any representations to other parties of accidents concerning the ultimate liability of the federal government on a particular claim. The Corporation's Office of General Counsel and, where applicable, the Department of Justice will make the final determination on whether an accident occurred within the scope of the member's project-related activities and the extent of the government's liability.

Members and Sponsoring Organizations are expected to cooperate fully with the Corporation's Office of General Counsel in obtaining necessary evidence and materials, and with the Department of Justice or U.S. Attorney in the event legal action is taken in connection with the accident. If requested, Sponsoring Organizations, supervisors, or members are authorized to provide third parties with copies of SF-95, "Claim for Damage, Injury, or Death" and advise that the claim must be submitted to the Corporation's Office of General Counsel, *see Appendix A*.

If a civil action is brought in a local court against either the member or the Sponsoring Organization as a result of an accident, or if an AmeriCorps★VISTA member is asked or ordered to testify or be deposed, the Corporation's Office of General Counsel must be notified immediately by the Corporation State Office. Copies of all legal documents must be transmitted to the Corporation for National Service, Office of General Counsel, 1201 New York Avenue, NW, Washington, D.C. 20525. The Corporation is not responsible for any indemnification or contribution to the Sponsoring Organization for any damages sustained by the Sponsoring Organization.

Chapter 8: Health Care Support

Introduction

Members are covered by AmeriCorps★VISTA's Health Benefits Program, which includes health benefits, coverage for service-related injuries or illnesses, and staff support. These benefits and related procedures are explained in detail in AmeriCorps★VISTA's health plan administrator's health care guide. A copy of this guide is given to every member along with a health identification card shortly after enrollment into AmeriCorps★VISTA.

In case of an accident or illness, the member must notify the project supervisor. If hospitalization or extended absence from the project is required, the project supervisor must notify the Corporation State Office immediately.

Coverage

Coverage begins automatically on the first day of AmeriCorps★VISTA training and applies only to AmeriCorps★VISTA trainees. It does not extend to their spouses or other dependents. Coverage ends on the date of termination as an AmeriCorps★VISTA member or trainee.

Coverage under the health benefits program includes payment for most medical and surgical costs, hospitalization, prescription drugs, and certain emergency dental, vision, and maternity care. However, **these benefits may be affected by restrictions on payment for pre-existing conditions as well as other exclusions to coverage.** These exclusions are set forth in the health care guide distributed by AmeriCorps★VISTA's health plan administrator.

If members have questions concerning coverage for certain medical procedures, they should contact the appropriate department of AmeriCorps★VISTA's health plan administrator listed in the health care guide and on the health identification card via the toll-free customer service telephone number. The health plan administrator's staff will provide information about eligibility for care.

Pre-certification

AmeriCorps★VISTA's health plan administrator manages a pre-certification program designed to review the use of the member's health care benefits for all inpatient care. The program aims to ensure that the care the member receives is medically necessary and that the setting in which it is received is appropriate.

Failure of a member to consult and obtain pre-certification for inpatient hospital admission will result in a \$300.00 reduction in benefits. The member will be responsible for paying that amount.

Nurses administer the pre-certification program. There are no forms to complete by the member. All that is needed to begin the process is a telephone call from the member or the member's physician to the AmeriCorps★VISTA health plan administrator's pre-certification number located on the health identification card. In emergency cases, pre-certification should occur within 48 hours of hospital admission.

Full benefits are available when the stay is certified and the member uses a provider from the participating provider listing. Participating providers are bound by agreement to accept payments on a pre-determined fee schedule. A non-participating provider can charge more, and a member could be responsible for fees in excess of "usual, customary, and reasonable" fee limits, a health industry standard. If a participating provider is not available, all allowable services are covered up to "usual, customary, and reasonable" fee limits.

The pre-certification program consists of the following services:

- (1) Pre-admission and Admission Review of all hospital admissions, including inpatient psychiatric and obstetrical admissions;
- (2) Continued Stay Review of all hospitalizations; and
- (3) Individual Case Management of potentially catastrophic cases.

AmeriCorps★VISTA's health plan administrator also provides a Patient Information Service to answer questions about the pre-certification process and to help members get the maximum health care benefits available. The phone number is located on the member's health identification card.

Personal Health Insurance Coverage

AmeriCorps★VISTA members may continue their own private health insurance during their service. Members with dependents may wish to continue private coverage because spouses and dependents are not covered under AmeriCorps★VISTA's health benefits program. Also, members with pre-existing conditions may wish to do so to ensure that they will have the type and amount of coverage they need during and after service. If a member decides to maintain a private insurance policy, AmeriCorps★VISTA's health plan ordinarily will pay only for those benefits not paid by the member's private plan.

Coordination of Benefits

If you are covered by more than one health insurance plan, most health care programs, including this program, contain a Coordination of Benefits provision. This provision is used when a member is eligible for payment of claims under more than one health program. Coordination of benefits assures that the member's covered expenses will be paid but that the combined payments of all the programs do not amount to more than the actual cost of care.

Coordination of benefits prevents duplicate payments and helps to hold down the cost of health care coverage. Members with additional coverage are required to use their private plan as the primary insurer to the maximum extent of coverage before submitting claims to AmeriCorps★VISTA's health plan administrator for payment.

Medicare and Medicaid Coverage

AmeriCorps★VISTA's Health Benefits Program is considered the primary provider of benefits for members who also are covered by Medicare, Medicaid, or other similar federally funded government health benefits programs. Therefore, members who are eligible for coverage under such programs should first send their claims to AmeriCorps★VISTA's health plan administrator.

Conversion Privilege

AmeriCorps★VISTA's health benefits coverage ends at midnight on the day a member terminates. However, upon termination from service, a member may convert from the health plan provided by AmeriCorps★VISTA's health plan administrator to a designated private health insurance plan as described in the health plan administrator's benefit guide. The member's option to convert to this private insurance plan must be exercised within 31 days of the date of termination from service. If the member exercises this conversion option, the private plan becomes effective on the day after termination from AmeriCorps★VISTA service.

Medical Leave

AmeriCorps★VISTA members are entitled to up to 10 workdays of medical leave during each full year of service to cover illness, injury, or medical appointments. Members who extend their term of service for less than a full year receive up to five workdays of medical leave for that period. Partial days of medical leave also may be granted to the member. All allowances and stipends continue during medical leave periods.

The AmeriCorps★VISTA member should request approval for medical leave, in advance when possible, from the Sponsoring Organization/supervisor. The member should specify the hours or dates of leave requested.

The AmeriCorps★VISTA Sponsoring Organization/supervisor must notify the Corporation State Program Director immediately if it appears that a member will not be able to resume project duties within the 10 workday maximum medical leave period. The Corporation State Program Director may approve an extension of a member's medical leave for up to five days, in cases of extended recuperation in which the member is likely to return to the project within the approved leave period, or in the event of undue delay in obtaining a diagnosis of the member's medical condition.

Maternity Leave

AmeriCorps★VISTA members are entitled to use a combination of medical and personal leave (20 workdays) for maternity leave. The Corporation State Program Director may approve an extension of up to five days, for a total of 25 workdays in cases where extended recuperation is required.

Medical Termination

If an AmeriCorps★VISTA member is unable to resume project duties, or if it reasonably appears that the member will not be able to do so within the approved medical leave period, he/she will be subject to medical termination or be given the opportunity to resign from service. The State Director will decide whether to terminate a member for medical reasons on the basis of information received from the member's attending caregiver or other information obtained by the Corporation. The member will be provided with a written notice of termination, including the proposed termination date, as promptly as possible. Written notice of termination to the member must precede the date on which the member is proposed to be medically terminated.

A member may appeal a State Director's medical termination. If a member chooses to appeal the State Director's medical termination decision, he/she should submit a written appeal and supporting documentation within 15 days of receiving the written notice of proposed termination. The written appeal and supporting documentation should be submitted to the Office of the AmeriCorps★VISTA Director, Corporation for National Service, 1201 New York Ave., N.W., Washington, D.C. 20525. If the member wishes to file a discrimination complaint related to the medical termination, he/she should utilize the procedures in 45 CFR Part 1225, *see Appendix B*.

The Office of the AmeriCorps★VISTA Director will review all information submitted and may request additional information from the member's attending physician or other sources. After review of all pertinent documentation, the AmeriCorps★VISTA Director will render a final decision on the member's appeal. If the appeal is upheld, the

member will be reinstated into AmeriCorps★VISTA service retroactive to the date of termination. The member's appeal of a medical termination decision is not subject to the administrative appeals procedure set forth in 45 CFR Part 1210, *see Appendix B*.

If a former member wishes to re-enter service following medical termination and a recovery period, he/she must submit a request to the Corporation State Program Director along with a statement from the attending physician on the former member's ability to return to service. The Corporation State Program Director may reinstate the member if an appropriate placement is available provided the member is deemed to be physically and/or mentally able to perform the duties of the position. The Corporation may seek additional medical consultation in such cases if deemed necessary.

Federal Employees Compensation Act

Under section 415(b) of the Domestic Volunteer Service Act of 1973, as amended (42 U.S.C. § 5055) an AmeriCorps★VISTA member is considered an employee of the federal government for purposes of coverage under the Federal Employees Compensation Act (FECA), which is administered by the Office of Workers' Compensation Programs (OWCP) of the U.S. Department of Labor. This office is solely responsible for the adjudication of FECA claims.

Benefits

FECA provides compensation benefits for a member's illness or injury if it is judged by OWCP to be service-related (i.e., caused or aggravated by the performance of a member assignment). However, members will not be covered by FECA if the injury or disability results from their own misconduct, intoxication, or willful intent to bring about injury or death to themselves or others.

Benefits approved under FECA begin after termination from AmeriCorps★VISTA service and include payment for continuing medical care and compensation for wage loss and permanent impairment of certain members or functions of the body in the event of a service-related disability. FECA also contains provisions for payment of certain death benefits such as shipment of the body, funeral and burial costs, and survivor's benefits if the member's death results from an injury or illness sustained in the performance of official project duties.

Claims Procedures

If a member is injured or experiences an emergency illness related to their assignment, the project supervisor and the Corporation State Office must be notified immediately. The Corporation State Office will provide the member with the necessary federal employment compensation forms (CA-1 or CA-2), to protect his/her right to apply to OWCP for compensation. The CA-1 form, "Notice of Traumatic Injury," should be filed when an accident or physical injury occurs during performance of duties. The

CA-2 form, "Notice of Occupational Disease or Illness, " should be filed when a disease or illness is suspected of being caused by job performance. Although an illness or injury may not appear to be serious enough to result in compensation eligibility, the claim forms should be completed to protect the member's rights in case future complications develop. Members have up to three years from the date of injury or up to three years from the date a member realizes his/her job caused an injury to request their completed form be filed with OWCP.

The Corporation State Office will:

- Advise and assist individual claimants regarding the preparation, submission, and follow-up of their respective FECA claims.
- Provide appropriate assistance in compiling and submitting all pertinent information relating to FECA claims.

Submit all FECA claims and relevant material to the AmeriCorps Health Benefits Office, Corporation for National Service, 1201 New York Ave., N.W., Washington, D.C. 20525. This office is responsible for review, submission, and follow-up with OWCP concerning all claims. The Corporation will not file the claim with OWCP until after the member terminates because the member is not eligible to receive workers compensation payments while receiving an AmeriCorps★VISTA subsistence allowance.

Appeal Procedures

A member may appeal any claim rejected by OWCP by following the three-step appeal rights process outlined by OWCP: Reconsideration, Oral Hearing, and the Employees' Compensation Appeals Board.

Death Benefits

If a member dies during service, the next of kin or designated beneficiary is entitled to the following:

1. Coverage of expenses incurred at the place of death (ambulance service, transportation of the body, etc.);
2. Funeral and burial benefits from either the Corporation (to a maximum of \$1,000), or from OWCP if the death is found to be service-related;
3. Shipment of member's personal effects;
4. Unpaid compensation or reimbursement owed the member;
5. Life insurance (if the member had enrolled in the group policy); and

6. Any benefits available to spouse or dependents from OWCP if the death is determined to be assignment-related.

Chapter 9: Administrative Policies

Trainee Deselection

In order to ensure that AmeriCorps★VISTA Sponsoring Organizations receive members who have met or exceeded the expectations of Pre-Service Orientation, the Corporation may deselect an AmeriCorps★VISTA trainee out of Pre-Service Orientation before assignment for any of the following reasons:

- Failure to meet training selection standards which include, but are not limited to, the following types of conduct:
 - inability or refusal to perform training assignments;
 - disruptive conduct during training sessions; or
 - failure to attend sessions.
- Conviction of a criminal offense under federal, state, or local statute or ordinance;
- Violation of any provision of the Domestic Volunteer Service Act, Public Law 93-113, as amended, or any Corporation regulation, policy, or guideline;
- Intentional false statement, omission, fraud, or deception in obtaining selection as a member; and
- Refusal to accept member placement.

Procedures for deselection of AmeriCorps★VISTA trainees are reprinted in full in *Appendix B*.

Early Termination

Grounds for Member Termination

The Corporation may terminate or suspend an AmeriCorps★VISTA member based on his/her conduct (for cause termination) for the following reasons:

1. Conviction of a criminal offense under federal, state, or local statute or ordinance;
2. Violation of any provision of the Domestic Volunteer Service Act of 1973, as amended, or a Corporation regulation, policy, or guideline;
3. Failure, refusal, or inability to perform prescribed project duties as outlined in the project application and/or assignment description and as directed by the Sponsoring Organization to which the member is assigned;

4. Involvement in activities that substantially interfere with the member's performance of project duties;
5. Intentional false statement, omission, fraud, or deception in obtaining selection as a member;
6. Any conduct on the part of the member that substantially diminishes his/her effectiveness as an AmeriCorps★VISTA member including skipping mandatory training sessions; or
7. Unsatisfactory performance of assignment.

Removal from Project

Removal of an AmeriCorps★VISTA member from the project assignment may be requested in writing and supported by a statement of reason from:

1. The governor or chief executive officer of the state or similar jurisdiction in which the member is assigned, or
2. The Sponsoring Organization.

The sole responsibility for terminating or transferring a member rests with the Corporation.

A request for removal of a member, including a written statement addressing the circumstances of the situation, must be submitted to the Corporation State Program Director who will, in turn, notify the member of the request. The State Director, or designee, after discussions with the member, will attempt to resolve the situation within 15 days with the Sponsoring Organization or the governor's office. If the situation is not resolved within the 15-day period, the member will be removed from the project and placed on Administrative Hold status. For some activities, the member may be removed by the State Director before the 15-day period elapses. The member will be notified in writing of his/her Administrative Hold status, whether he/she will receive allowances, and of the prohibition on engaging in any project-related activities during that period.

The Corporation State Office will take one of the following actions concerning a member who has been removed from a project assignment:

1. Accept the member's resignation.
2. If removal was requested for reasons other than those listed under "Grounds for Member Termination" above, the Corporation State Office will attempt to assist the member in locating another assignment. If reassignment is not possible, the member

will be terminated for lack of a suitable assignment, and will be given special consideration for reinstatement.

3. If removal from the project is based on any of the reasons set forth under “Grounds for Member Termination (for cause termination),” the member may appeal the termination in order to establish whether such termination is supported by sufficient evidence. Termination appeal procedures are contained in 45 CFR Part 1210, *see Appendix B*. There are no appeal rights for early termination cannot be based on lack of a suitable assignment. Members may grieve lack of suitable assignment terminations under 45 CFR Part 1211.
4. If the Corporation determines that the removal based on reasons cited under “Grounds for Termination” is not established by adequate evidence, the Corporation will attempt to reassign the member to another project as outlined in paragraph (2) above.

A member’s removal from a project assignment during a term of service may also occur as a result of either the termination of, or refusal to renew, the Memorandum of Agreement between the Corporation and the Sponsoring Organization. In such cases, the member will be placed in Administrative Hold status while the Corporation State Office attempts to reassign the member to another project. If no appropriate reassignment is found within the Administrative Hold period, the member may be terminated but will receive special consideration for reinstatement as soon as an appropriate assignment becomes available. If appropriate reassignment is offered the member and declined, the Corporation has no obligation to offer additional or alternative assignments. If the member wishes to file a discrimination complaint related to the termination, he/she should utilize the procedures set forth in 45 CFR Part 1225, which is reprinted in full, *see Appendix B*.

Suspension

The Corporation State Program Director may suspend an AmeriCorps★VISTA member for up to 30 days in order to determine whether sufficient evidence exists to start termination proceedings against the member. Suspension is not appropriate if the State Director determines that sufficient grounds already exist for the initiation of termination. In that event, the termination procedures contained in 45 CFR part 1210.3-4, will be followed, *see Appendix B*.

Notice of suspension may be written or verbal and is effective upon delivery to the member. Within three days after initiation of the suspension, the member will receive a written notice of suspension setting forth in specific detail the reason for the suspension. During the suspension period, the member may not engage in project activities but will continue to receive all allowances.

At the end of the suspension period, the member must either be reassigned to a project or termination proceedings must be initiated.

Resignation

In instances where the Corporation State Office believes that an AmeriCorps★VISTA member may be subject to for cause termination for any reasons cited under “Grounds for Member Termination,” a Corporation State Office staff member will discuss the matter with the member. If after the discussion the staff member believes that grounds for termination exist, the member will be given an opportunity to resign. The member, or designee, may inform the Corporation State Office orally or in writing that he/she has resigned. If the member chooses not to resign, the administrative procedures outlined in 45 CFR part 1210.3-4 *et. seq.*, will be followed, *see Appendix B*.

An AmeriCorps★VISTA member also may choose to resign at any time by providing two weeks notification to the Sponsoring Organization and to the Corporation State Office. When practical, notice should be given 30 days in advance to ensure that the member’s departure would be minimally disruptive to the project. Abandonment of an AmeriCorps★VISTA project site by a member may be treated as a voluntary or defacto resignation.

Members who intend to resign early from their assignment should complete Form A-732, “AmeriCorps★VISTA Future Plans or Early Termination Request,” and forward it to their supervisor for submission to the Corporation State Office, *see Appendix A*.

Continuation of Service

It is at the discretion of the Corporation to afford a member the opportunity of AmeriCorps★VISTA service beyond the initial year of enrollment. There is no entitlement to any term of service with the AmeriCorps★VISTA program. However, members are strongly encouraged to consider serving a second term of service.

Additional service is predicated upon a clear indication that the member will provide a substantial contribution to the program. Approval is required for all continuations of service following endorsement by the Sponsoring Organization. By statute, no member may be enrolled in AmeriCorps★VISTA for more than a total of five (5) years.

However, the Corporation has established a policy that limits AmeriCorps★VISTA members to serving no more than three (3) terms of service. The Director of AmeriCorps★VISTA may waive this policy in certain cases.

In the tenth month of service, the member will receive the “AmeriCorps★VISTA Future Plans or Early Termination Request” form asking whether the member wishes to:

- ◆ Complete service as scheduled;
- ◆ Continue service for less than one year at the same project (extension); or

- ◆ Continue service for one year at the same project or at a different project (re-enrollment).

After the Future Plans form is completed, the member should submit it to the project supervisor who will fill out the Performance Evaluation section and forward the form to the Corporation State Office. Member performance, as evaluated by the project supervisor and the Corporation State Program Director, along with the member's skills and experience, are considered in approving a request for continuation of service. Continuation of service is also subject to the availability of an appropriate assignment and to the availability of funds for member support.

Applications to continue service must be submitted to the Corporation State Office at least six weeks before the member's scheduled termination date. Otherwise, the normal processing for terminating allowances will go into effect. At least four weeks before the end of service, the member and the Sponsoring Organization will be notified as to whether the request for continuation of service has been approved. The early termination provisions and the volunteer grievance procedures do not apply to continuation of service denials, *see Appendix B*.

Personal Leave

AmeriCorps★VISTA members are entitled to 10 workdays of personal leave during each full year of service. Members continuing service for less than a year but at least six months receive five workdays of personal leave.

The member must request approval in advance from the Sponsoring Organization/supervisor for all personal leave, specifying dates of leave requested.

Normally, no leave is granted during the first three months or during the last month of service. During leave, all regular member allowances are continued. The Corporation pays no travel expenses for a member's personal leave.

Emergency Leave

The Sponsoring Organization may grant an AmeriCorps★VISTA member up to one week of emergency leave if an immediate family member (spouse, parent, sibling, child, grandparent, or guardian) becomes critically ill or dies. Any additional time away from the project requires the approval of the Corporation State Program Director. Emergency leave does not count against the member's personal leave time.

If circumstances require the member to take emergency leave, the member should notify the Sponsoring Organization or supervisor at once, and if requested, provide the Sponsoring Organization or supervisor with some evidence of the emergency. If the Sponsoring Organization determines that an emergency exists, the Sponsoring

Organization will inform the Corporation State Office. AmeriCorps★VISTA will pay for transportation by the fastest, regularly-scheduled means to and from the site of the emergency, or to the member's home of record, provided the destination is located within the United States or a U.S. territory. The member will be reimbursed for actual travel expenses and will receive no additional allowances.

In the event that the Corporation cannot pay for or provide a prepaid ticket in advance of the approved emergency leave, the Sponsoring Organization should furnish the needed travel assistance. This would include advancing up to \$500.00 from its own funds to the member if approved in the Memorandum of Agreement between the Sponsoring Organization and the Corporation.

Such advances, however, should be authorized (by telephone) by the Corporation State Office. Both the Sponsoring Organization and the member must complete and sign the "AmeriCorps★VISTA Payment Voucher" form to record receipt of any emergency travel advance, *see Appendix A*. The form is then forwarded to the Corporation State Office for processing so that the Sponsoring Organization is reimbursed for the advance.

All regular member allowances continue for 10 days. If an emergency leave extends beyond 10 days, all allowances, including stipend, may be discontinued by the Corporation State Office until the member returns to the project. Upon returning from emergency leave, the member must notify the Sponsoring Organization/supervisor who in turn will notify the Corporation State Program Director.

Administrative Hold Status

During the course of AmeriCorps★VISTA service, a member may be placed in administrative hold status by the Corporation State Program Director, or designee, when/if it is determined that the member, for a period of time, will not be able to function effectively on the project. If it is anticipated that the member will be able to resume the assignment within 30 days, the member is placed on administrative hold.

Any or all allowances may be discontinued during a period in which a member is on administrative hold:

1. The subsistence allowance may continue if the member has ongoing obligations for food and rent. The subsistence allowance may cease, however, if the member is engaged in activities in which the Corporation would not appropriately be responsible for support (e.g., while a member is on extended emergency leave, serving in the military).
2. The stipend may cease.
3. Service-related travel reimbursement normally will cease.

Allowances may continue for members placed on administrative hold status for reasons beyond their control, depending upon the reasons for placing members on administrative hold. Members who are removed from their projects will be notified whether they will or will not receive allowances. Payments on a member's life insurance premium are continued while a member is in Administrative Hold status.

Placement in administrative hold status will not affect a member's scheduled termination date. If a member's stipend has been discontinued during this period of time, the amount of the stipend accrued at the time of termination will reflect only the period of service during which the member was not on administrative hold.

Project Transfer

In exceptional circumstances, the Corporation may transfer an AmeriCorps★VISTA member to a different project during or at the end of a term of service. The Corporation State Program Director may approve transfers when all three of the following conditions are met:

1. The member has the necessary qualifications and desires to continue service but through no fault of his/her own is unable to do so at the current project assignment.
2. The member must have at least six months of service remaining in his/her current term, although the State Director may waive this requirement in exceptional cases.
3. The project Sponsoring Organization that would be receiving the member concurs in the transfer after contacting the former Sponsoring Organization for an evaluation or assessment of the AmeriCorps★VISTA member.

Reinstatement

A member may be reinstated into AmeriCorps★VISTA service within one year of termination without resubmitting a complete member application form and usually without attending a Pre-Service Orientation. The Corporation State Program Director who is responsible for the reinstated member will require those portions of the application necessary to update the member's activities since leaving the program. The Corporation State Program Director also will request a recommendation from the former Sponsoring Organization/supervisor and former State Director, as appropriate, regarding the member's previous AmeriCorps★VISTA service and qualifications.

If more than one year has elapsed since the member's termination date, a new application form and updated references must be submitted to the Corporation for evaluation and clearance before reinstatement. The member usually does not need to attend another Pre-Service Orientation.

Reinstatement into AmeriCorps★VISTA service is subject to the availability of funds for member support and a suitable assignment for the former member.

Educational Courses

Because the AmeriCorps★VISTA program is a full immersion experience requiring members to be able to attend community meetings and dedicate themselves to understanding the community to which they are assigned, full or part-time enrollment in an educational institution is prohibited except in the following circumstances:

1. An AmeriCorps★VISTA member may take, at any given time, no more than one educational course that must be directly related to the member's project assignment and/or be part of a member's career development plan. Advance permission of the project supervisor and the Corporation State Program Director is required to take these courses. The hours in which a course may be taken should in no way interfere with the member's assigned project duties and work performance.
2. A member may be enrolled in an institution of higher education for the minimum number of hours required to maintain eligibility for a partial federal Pell grant. To qualify for a partial federal Pell grant, a student must be enrolled at least quarter-time during the academic year. At schools measuring progress by credit hours and academic terms (semesters, trimesters, or quarters), quarter-time means at least six semester hours or nine quarter hours per year.
3. There are pilot programs at several schools and universities where AmeriCorps★VISTA members may receive credit hours towards a degree for completing their term of service. A member may be enrolled in the pilot program during their term of service.

Member Housing

One of the three fundamental assumptions of AmeriCorps★VISTA is that the skills and energies of AmeriCorps★VISTA members are used most effectively when they *live* and *work* with the low-income people whom they are serving. In keeping with this philosophy, members are expected to secure housing using their living allowance, which is provided to cover the basic costs of food, housing, and utilities. Members should look for housing within the community to which they are assigned. Because members' living allowances are limited, they are allowed to accept offers of free or low-cost housing made by community members, local organizations, educational institutions, or Sponsoring Organizations.

Some examples of housing that members may accept:

- A community resident offers unused free housing space to a member because he or she is proud to have an AmeriCorps★VISTA member in the community.
- A local business wants to offer a vacant apartment over the shop area to a member.
- A national housing company offers reduced rate housing for volunteers who are serving in a given community and the member meets the eligibility requirements.
- A local, state, or federal government agency provides free or low-cost housing in areas with limited housing opportunities.
- A Sponsoring Organization rents housing space on behalf of a member.
- A Sponsoring Organization allows a member to occupy a portion of existing space the sponsor already owns or rents.

Important notes:

Under no circumstances may a member accept money directly from a Sponsoring Organization or others to supplement their living allowance or pay for rent. Members should be aware that accepting free or reduced-cost housing from an individual or organization may increase the amount of their reportable income for tax purposes.

Jury Duty

AmeriCorps★VISTA members are subject to jury duty when called upon to do so. Sponsoring Organizations shall give members the necessary time away from project duties in order to serve on a jury. Allowances will be paid as usual during the period of jury duty. Time spent in jury duty is not counted as part of a member's personal leave, nor is it deleted from the term of service or count against the education award.

Military Reserve Leave

If a member enters AmeriCorps★VISTA service before completing a military reserve obligation, the member must change the location of the reserve unit if necessary. AmeriCorps★VISTA members should seek to minimize the disruption in service as a result of discharging responsibilities related to their reservist duties. If members have a choice of when to fulfill their annual two weeks active duty requirement, they should do so when it will not disrupt their AmeriCorps★VISTA service.

A member will be granted military reserve leave to attend monthly reserve training sessions as well as two weeks of active duty training. Such leave will not count against personal leave, nor is it deleted from the term of service or count against the education award. The member should notify the Sponsoring Organization/supervisor before taking military reserve leave and upon returning from such leave. Members may not receive time off for active duty or other reserve-related service beyond the two weeks and monthly training activities usually required for reserve status. Any other reserve-related service will not be applied as service time for purposes of the education award.

The Sponsoring Organization/supervisor will notify the Corporation State Office of the exact dates during which a member is on military reserve leave.

During any period of military reserve leave in which the member receives pay from the military, all AmeriCorps★VISTA subsistence allowances will be discontinued.

Representation Regarding Terms and Conditions of Service

Terms and conditions of service refer to those rights and privileges accorded the member through statute, Corporation regulations, or policies. The procedures allow for systematic and open communication of the member's views, and for effective resolution of member's concerns regarding the terms and conditions of service. These procedures are established by the Corporation and include the following provisions:

1. Free and open opportunity for members to communicate their views to appropriate Corporation officials;
2. An opportunity for all members to be heard with respect to their views in connection with the terms and conditions of their service either personally, or through democratically selected representatives; and
3. Response to or resolution of a member's problems or concerns by appropriate Corporation officials.

Any member who feels that his/hers concerns regarding the terms and conditions of service have not been properly addressed may communicate those concerns directly to AmeriCorps★VISTA Headquarters program staff.

AmeriCorps★VISTA Grievance Procedure

During a member's service, a situation may arise that directly affects the member's service situation or that the member believes violates regulations governing the terms and conditions of service, resulting in a denial or infringement of a right or benefit to the member.

Members may present and obtain resolution of grievances either informally or formally. The member grievance procedure is contained in 45 CFR Part 1211, which is reprinted in full, *see Appendix B*. Members should read the procedure in its entirety before initiating any grievance. Under these procedures, members are not permitted to grieve matters for which separate administrative procedure (e.g. discrimination complaints) is provided. Consequently, members may not grieve a for cause termination or matters that are processed through the Volunteer Discrimination Complaint Procedure.

Property Loss

The Corporation does not insure personal property; it can reimburse AmeriCorps★VISTA members for lost, damaged, or stolen property only under certain circumstances and in limited amounts. Therefore, members are strongly urged not to take expensive property to assignments and are encouraged to maintain their own insurance against property loss or damage during their service.

The Corporation State Program Director may, at his/her discretion, replace or authorize reimbursement for lost, damaged, or stolen property; equipment and supplies; and cash representing certain allowances if:

- 1) reimbursement is essential to the member's capacity to serve effectively for the duration of the term of service, or incident to service, and
- 2) the loss, damage, or theft did not result from the member's own negligence.

Lost or stolen cash may be reimbursed only up to a limit of two weeks' subsistence allowance plus (when it is part of the loss) any lump sum payment essential to the member's service such as service-related travel. Lost or stolen cash representing payment of stipend or other allowances will not be reimbursed.

If essential belongings are lost, members will be reimbursed only with sufficient funds to obtain replacement items adequate to function on their assignments. For example, if part of a wardrobe is lost, although expensive items may be part of the loss, reimbursement will be based on the cost of replacing the items with clothing suitable for the project assignment. No reimbursement will be made for luxury items such as photographic or electronic equipment unless they are essential to the member's assignment and had been authorized for that purpose by the Sponsoring Organization prior to the loss.

If a member does suffer a loss, the Corporation State Office will require the following information:

1. A written statement, signed and dated by the member, which:
 - a. describes in detail the circumstances surrounding the loss;
 - b. itemizes the property or allowances lost;
 - c. explains why the property or allowance is essential to the member's ability to serve effectively, or incident to service;
 - d. indicates whether or not the property or allowance was covered by insurance; and

- e. if the property or allowance was covered by insurance, includes the number of the policy (if known), whether and when a claim has been presented to the insurer, and the action, if any, which the insurer has taken with respect to the claim. The member must agree to reimburse the Corporation from any such recovery for the cost of replaced property or payments in reimbursement.
2. In the case of theft, evidence that such theft has been reported to the appropriate law enforcement authorities. Such evidence should include a copy of the police report.
3. Lost or stolen allowance checks are not covered by these procedures. Please refer to Chapter 5, Financial Support, under the section “How Do AmeriCorps★VISTA Members Get Paid?” for the specific policy dealing with missing checks.

Notification of Change of Address

A member who is changing his/her mailing address must notify the Corporation State Office immediately in writing.

Disclosure and Use of Member Addresses

Members’ private addresses will be used by the Corporation for internal administrative purposes only. A member’s private address (at home of record or residence during service) may be disclosed by the Corporation only with the prior written permission of the member, except that disclosure may be made to duly authorized representatives of federal investigative agencies, including the Corporation’s Office of Inspector General, and pursuant to the Freedom of Information Act.

This non-disclosure policy is based on the fact that disclosure of a private address constitutes an unwarranted invasion of a member’s privacy. The mailing addresses of AmeriCorps★VISTA projects are public knowledge and may be disclosed freely.

Member’s Home of Record

Upon completion of service, the Corporation will provide transportation for the member to the home of record designated during training. Home of record shall be either:

1. The legal residence of the member’s parent(s) or legal guardian if the member had been residing with parent(s) or legal guardian immediately prior to entering AmeriCorps★VISTA service, or if the member was a full-time student whose permanent residence was with parent(s) or legal guardian, or
2. The residence established by the member:

- a. while attending college immediately prior to entering AmeriCorps★VISTA service;
- b. while employed immediately prior to entering AmeriCorps★VISTA service; or
- c. for purposes of voting or payment of state tax.

Modification of the home of record can be authorized at the discretion of the Corporation State Program Director if one of the following conditions exists:

1. The member has designated the official home of record as the legal residence of a parent or legal guardian, and
 - a. the parent or legal guardian has established a new residence (if the new residence is outside the United States, the Corporation will provide transportation to the nearest port of exit), or
 - b. The parent or legal guardian has died. The Corporation will transport the member to the legal residence of the surviving parent or legal guardian, then to the next of kin. Transportation will be limited to a site within the United States.
2. The member has married another member and requests travel to the home of record of the spouse.
3. Travel to the new home of record would be more economical to the United States government than the originally declared home of record.

The trainee, upon entry into the Corporation, shall designate a home of record on the AmeriCorps★VISTA Member Payment Voucher in accordance with the policy. This form will be maintained in the member's personnel record. The member may request that his/her Corporation State Program Director authorize a change in the home of record in accordance with the policy. This request must occur at least 60 days in advance of the scheduled date of termination. The State Director may waive the 60-day requirement in extenuating circumstances, such as an early termination or in the event of an emergency.

Certification of Service

The Corporation issues a Certification of Service for the period of time actually served in AmeriCorps★VISTA upon request of the member or former member, *see Appendix A*. Such a request should be submitted in writing to:

*Corporation for National Service
AmeriCorps*VISTA Certifying Officer
1201 New York Avenue, NW
Washington, DC 20525*

Notification of Change of Name

The Corporation State Office and Sponsoring Organization must be notified in writing of a change in a member's name and/or marital status for record keeping and payroll purposes.

The Corporation assumes no financial responsibility for a non-member spouse or for dependents.

Commercial Creditors

The Corporation is not responsible for debts incurred by members to commercial creditors. The Corporation has no authority to act as an intermediary to collect private debts on behalf of a claimant, nor does the Corporation have the authority to direct members to take specific action concerning their financial affairs.

Members are encouraged to pay all legal debts promptly to avoid creating a situation that would impair the member's ability to effectively complete their term of service. In cases of continued financial irresponsibility to the extent of embarrassment or adverse reflection upon the Sponsoring Organization's project or the AmeriCorps★VISTA program, administrative or disciplinary action may be taken by the Corporation up to and including termination.

Neither the member nor the Sponsoring Organization is authorized to obtain extension of credit by representing the member as an employee of the federal government.

Supplies and Equipment

The Corporation, by law, provides only AmeriCorps★VISTA members to Sponsoring Organizations. As such, and because it is the policy of the Corporation to encourage self-help and mobilization of resources, the Corporation does not provide equipment or supplies required by members in their project assignment. If any special equipment or supplies are necessary to the successful implementation of a project, they must be provided by the Sponsoring Organization.

Donated Gifts

The Corporation will not pay any shipping costs for gifts or materials that have been donated or that a member obtains for the benefit of the project to which they are assigned. Such costs should be borne by the Sponsoring Organization.

Copyright

Members have the right to copyright any work that is subject to copyright including software designs, training manuals, curricula, videotapes and other products produced by the member while serving as an AmeriCorps★VISTA member. However, a member may not sell any work that includes an AmeriCorps logo without prior written approval from the Corporation.

By enrolling in AmeriCorps★VISTA, members are agreeing to give the Corporation and the Sponsoring Organization an unlimited, royalty-free non-exclusive, and irrevocable license to obtain, use, reproduce, publish or disseminate products, including data produced for the Sponsoring Organization, and to authorize others to do so. The Corporation may distribute such products through a designated clearinghouse.

Chapter 10: Basic Laws and Federal Regulations

The following policies, established by law or regulation, must be observed and implemented by the Corporation, AmeriCorps★VISTA project Sponsoring Organizations, and AmeriCorps★VISTA members.

Oath of Office

AmeriCorps★VISTA members, upon enrollment in service, take an oath of office as prescribed in section 3331 of Title V, United States Code. Persons legally residing within a state but who are not citizens or nationals of the United States may serve in AmeriCorps★VISTA without taking or subscribing to such oath if the Corporation determines that the service of such persons will further the interest of the United States. Such persons are required to take an alternative oath or affirmation, as the Corporation deems appropriate.

Any non-U.S. citizen must have a permanent resident visa before entering AmeriCorps★VISTA service to be eligible to serve as a member.

Civil Rights Laws

Title VI of The Civil Rights Act of 1964 (Public Law 88-352), ensures that no person shall, on the basis of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination by any recipients of federal financial assistance. The Rehabilitation Act of 1973 (29 U.S.C. 794) extends this provision on the basis of disability. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) extends it on the basis of sex (see 65 F.R. 65297, November 2000). The Age Discrimination Act of 1975 (Public Law 94-135) extends it on the basis of age. The Domestic Volunteer Service Act (Public Law 93-113) extends it on the basis of religion or political affiliation. It also extends the nondiscrimination prohibitions to the employment practices of Sponsoring Organizations. This provision specifies that any program, project, or activity to which AmeriCorps★VISTA members are assigned shall be deemed to be receiving federal financial assistance.

Executive Order 13160 (June 23, 2000) prohibits discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs, which includes AmeriCorps★VISTA training conducted by the Corporation.

The Rehabilitation Act of 1973, as amended, requires Sponsoring Organizations to make their programs and facilities accessible to persons with disabilities, be they AmeriCorps★VISTA members, beneficiaries, employees or the general public. Accessibility includes physical accessibility of buildings (including buildings where public meetings are held), public information dissemination (for the sight, hearing, or

mentally impaired), and workplace accessibility. It also requires them to provide reasonable accommodations to qualified members, beneficiaries, employees, or members of the public. Corporation regulations dealing with section 504 of the Rehabilitation Act of 1973 are contained in 45 CFR Part 1232, which is reprinted in full, *see Appendix B*.

Title VI of the Civil Rights Act requires Sponsoring Organizations to eliminate to the maximum extent possible, English proficiency as an artificial barrier to full and meaningful participation by beneficiaries, AmeriCorps★VISTA members, and members of the public in federally assisted programs.

No federal financial assistance may be extended to a Sponsoring Organization unless the grant, contract, or agreement authorizing it specifically assures that no person with responsibilities for the operation of the organization will discriminate with respect to the program because of race, religion, color, national origin, sex, age, disability, or political affiliation (section 417a of the Domestic Volunteer Service Act of 1973, as amended, Public Law 93-113). Continued compliance with this assurance is monitored by the Corporation.

Discrimination Complaint Procedures

Any applicant for enrollment for service as an AmeriCorps★VISTA member, as well as any trainee or member who believe that he/she were subjected to discrimination based on race, color, national origin, religion, age, sex, disability, or political affiliation in connection with recruitment, selection, placement, service, or termination by the Corporation may utilize the discrimination complaint procedures set forth in 45 CFR Part 1225, which is reprinted in full, *see Appendix B*.

Any program beneficiary who believes he/she was subject to discrimination in the services provided by an AmeriCorps★VISTA Sponsoring Organization on the basis of race, color, or national origin may file a written complaint with the Director of the Corporation's Equal Opportunity Office or the Chief executive Officer of the Corporation using the procedures set forth in 45 CFR Part 1203, "Nondiscrimination in federally assisted programs-effectuation of Title VI of the Civil Rights Act of 1964." Although there are no regulatory procedures established for a beneficiary who believes he/she was subjected to discrimination on the basis of age, disability, religion, sex, or political affiliation, such a person should follow the complaint procedures set forth in 45 CFR, Part 1203.

Sexual Harassment

The overarching federal legislation authorizing the AmeriCorps★VISTA program and the National Service Trust prohibits any kind of sexual harassment.

Sponsoring Organizations, as the recipients of federal financial assistance from the Corporation, are ultimately responsible for violations of prohibitions against sexual harassment and for taking corrective action and/or disciplinary action if violations occur. The Sponsoring Organization is responsible for:

- a. Acts of **“quid pro quo” sexual harassment**, where a supervisor demands sexual favors for service benefits, regardless of whether the Sponsoring Organization, its agents, or supervisory employees knew or should have known of the acts.
- b. **Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that have the purpose or effect of creating an intimidating, hostile, or offensive service environment**, where the Sponsoring Organization, its agents, or supervisory employees knew or had reason to know of acts and failed to take immediate and appropriate corrective action.
- c. **Acts of sexual harassment toward fellow AmeriCorps ★ VISTA members**, where the Sponsoring Organization, its agents, or its supervisory employees knew or should have known of the conduct, unless it took immediate and appropriate corrective action.
- d. **Acts of sexual harassment by non-employees**, where the Sponsoring Organization/grantee, its agents, or its supervisory employees knew or should have known of the conduct and failed to take immediate and appropriate corrective action. (But it may depend on the extent of the Sponsoring Organization’s control over the non-employees and other legal responsibility it might have with respect to the non-employees’ conduct.)

The following is a definition of sexual harassment:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s service.
- b. Submission to or rejection of such conduct by an individual is used as the basis for service decisions affecting the individual.
- c. Submission to or rejection of such conduct has the purpose or effect of unreasonably interfering with an individual’s performance or creating an intimidating, hostile, or offensive working or service environment.

“Sexual” means *because of one’s sex*; it does not mean sexy. The key is that the conduct is *unwelcome*. Sexual harassment includes, but is not limited to the following conduct:

- a. Explicit or implicit demands for sexual favors in return for service benefits.
- b. Unwelcome letters, telephone calls, or distribution or display of materials of a sexual nature.
- c. Physical assaults of a sexual nature.
- d. Unwelcome and deliberate touching, leaning over, cornering, or pinching.
- e. Unwelcome sexually suggestive looks or gestures.
- f. Unwelcome pressure for sexual favors or dates.
- g. Unwelcome sexual teasing, jokes, remarks, or questions.
- h. According favorable treatment to those who grant sexual favors.

Sexual harassment is not limited to prohibited conduct by a male toward a female or by a supervisor toward a subordinate. A man may be the victim of sexual harassment. A woman may be the harasser. The victim does not have to be the opposite sex from the harasser.

The harasser does not have to be the victim’s supervisor. The harasser could be a supervisor who does not supervise the victim, a non-supervisory employee, volunteer, or participant, a co-worker or another volunteer or participant, an agent of the Corporation, or a non-employee in the Corporation’s work place.

The victim does not have to be the person toward whom the unwelcome sexual conduct is directed, but may be someone who is affected by such conduct when it is directed toward another person. Sexual harassment of an AmeriCorps★VISTA member may create an intimidating, hostile, or offensive working environment for another AmeriCorps★VISTA member.

Sexual harassment does not depend on the victim’s having suffered an economic loss as a result of the harasser’s conduct. Improper sexual advances that do not result in the denial of a promotion or the discharge of the victim may, nonetheless, constitute sexual harassment where they interfere with the victim’s service, or create an offensive service environment.

It is preferable for an AmeriCorps★VISTA member who feels he/she may be a victim of sexual harassment to first bring it to the attention of his/her Sponsoring Organization.

If because of the circumstances it is not appropriate or possible to bring it to the attention of the Sponsoring Organization, the member should contact the Corporation State Office, or the Equal Opportunity Office at Corporation Headquarters in Washington D.C. at (202) 606-5000, ext. 312.

Prohibitions on Political and Lobbying Activities

No Corporation appropriated funds shall be used to finance, directly or indirectly, any activity designed to influence the outcome of any election to federal, state, or local office or any voter registration activity, or pay the salary of a Corporation employee who engages in any such activity.

In addition, AmeriCorps★VISTA programs are prohibited from using funds or personnel in a matter supporting or resulting in the identification of such programs with partisan or nonpartisan election activities, in voter registration activities, and in providing transportation to the polls. Additionally, no AmeriCorps★VISTA member or employee of a Sponsoring Organization may take any action with respect to a partisan or nonpartisan political activity that would result in the identification or apparent identification of the AmeriCorps★VISTA program with such activity, see 42 U.S.C. § 5043 for additional restrictions and prohibitions.

AmeriCorps★VISTA programs also are prohibited from any activity intended to influence the passage or defeat of legislation or proposals by initiative petition, see 42 U.S.C. § 5043 (c) for additional restrictions and prohibitions.

Members may participate in political activities allowed under the Hatch Act. The Domestic Volunteer Service Act at 42 U.S.C. § 5055 applies the restrictions of the Hatch Act, Title V, United States Code, Chapter 73, to AmeriCorps★VISTA members. The Hatch Act applies to members at all times during their service, including off duty hours. Permissible activities under the Hatch Act apply to AmeriCorps★VISTA members unless prohibited by other statutory authority when the members are on authorized leave or are not perceived to be performing as an AmeriCorps★VISTA member (e.g., while not engaged in performing service, or on service time), 42 U.S.C. § 5055.

AmeriCorps★VISTA members have the right to register and vote as they choose, express opinions about candidates and issues in a non-public context, contribute money to political organizations, and attend political meetings. They also may join and be a member of a political party or club, and sign nominating petitions if they do not identify any of these activities with AmeriCorps★VISTA or their Sponsoring Organization.

Corporation regulations prohibiting electoral and lobbying activities are contained in 45 CFR Part 1226, *see Appendix B*. The approach of the regulations is twofold:

1. Restrictions on the assignment of AmeriCorps★VISTA members to, or the receipt of funds by certain organizations because of the nature of the organizations or their activities; and
2. Restrictions on member assignments and activities.

The organizational restrictions are based on the premise that the assignment of members or the receipt of Corporation funds by certain organizations (regardless of the proposed assignment or activity of the member) is precluded because of the organization's stated purpose or the nature of its activities.

The restrictions on member assignments and activities contain four basic areas of prohibited activities:

1. electoral;
2. voter registration, except that programs assisted under this Act may make voter registration information available to the public on the premises of such programs;
3. voter transportation to the polls; and
4. efforts to influence legislation. The prohibitions are directed to the use of Corporation funds, the assignments of members, and any other activities supported by Corporation funds.

The Domestic Volunteer Service Act provides two exceptions to the prohibition on efforts to influence legislation:

1. at the request of a legislative body, committee, or member of a legislative body, and
2. regarding an authorization or appropriation measure directly affecting the operation of the project or program. The regulation, found at 45 CFR Part 1226, describes the conditions under which activities pursuant to these exceptions may be undertaken. The regulation also describes the applicability of the restrictions to Sponsoring Organization employees and the obligations of Sponsoring Organizations to ensure observance of the regulation.

Corporation Guidelines on Service of Members in Church-Related Organizations or Religious Activities

Each AmeriCorps★VISTA Sponsoring Organization must ensure that:

1. Members will not give religious instruction, conduct worship services, or engage in any other religious activity as part of their AmeriCorps★VISTA duties, or which

would be perceived as part of their duties by members of the community in which they serve.

2. No religious instruction, worship, proselytizing, or other religious activity will be conducted as part of a project to which members are assigned or referred. Textbooks and other materials used in connection with the project should not have religious or sectarian content.
3. Members who serve in an institution that gives religious instruction or engages in other religious activities will not be used as replacements for regular personnel of the institution. For example, members assigned to serve in a program conducted under the auspices of a church-related school may not be used as substitutes for regular teachers in the school. However, they may work in new programs that are carried on in addition to the school's regular programs and that are conducted in conformance with the preceding rules.
4. The opportunity to receive the benefits of any project in which members serve will be open to persons in need without regard to their religious affiliation. The availability of the project's benefits to all needy persons in the area served will be publicized.
5. Participation in an AmeriCorps★VISTA project, by members or recipients, shall not be used as a means of inducing participation in sectarian or religious purposes.
6. Facilities used primarily for AmeriCorps★VISTA projects shall, to the maximum feasible extent, be devoid of sectarian or religious symbols, decoration, or other sectarian identification.
7. Admission to any programs supported by AmeriCorps★VISTA shall not be based directly or indirectly on religious affiliation or on attendance at a church, church-related school, or other church-related institution or organization. Affirmative steps shall be taken to alert the general public to the availability of such programs in the area served.

Limitation on Demonstrations

No Sponsoring Organization shall approve the involvement of any AmeriCorps★VISTA member assigned to the Sponsoring Organization in planning, initiating, participating in, or otherwise aiding or assisting in any demonstration whatsoever.

AmeriCorps★VISTA members will be permitted, either while on authorized leave or while not engaged in performing service or on service time, to participate in lawful demonstrations that are not related to projects of their Sponsoring Organizations, so long as they do not attempt to represent the views of AmeriCorps★VISTA members on any public issue; so long as their participation could not reasonably be understood by the

community to be identified with the AmeriCorps★VISTA program, the project, or other elements of the members' service; and so long as participation does not interfere with the performance of their duties.

Limitation on Displacement of Employed Workers and Impairment of Contracts for Service

The Domestic Volunteer Service Act prohibits AmeriCorps★VISTA members from performing activities or duties that would otherwise be carried out by employed workers, or would supplant the hiring of, or result in the displacement of, employed workers, or would impair existing contracts for service, 45 U.S.C. § 5044.

Corporation regulations on non-displacement of employed workers and non-impairment of contracts for service are contained in 45 CFR Part 1216, *see Appendix B*.

Limitation on Receiving any Compensation for Service of AmeriCorps★VISTA Members

The Domestic Volunteer Service Act prohibits agencies or organizations to which AmeriCorps★VISTA members are assigned, or which operate or supervise an AmeriCorps★VISTA project, from requesting or receiving any compensation from members or from beneficiaries for the services of members supervised by such agency or organization, 42 U.S.C. § 5044.

Cash or in-kind contributions to an AmeriCorps★VISTA project, provided under the terms of a Memorandum of Understanding between the primary AmeriCorps★VISTA Sponsoring Organization and another participating agency, is not considered compensation for member services. The Corporation must, however, review, and concur in all such Memoranda of Understanding prior to implementation.

Limitation on Labor or Anti-Labor Activity

The Domestic Volunteer Service Act prohibits Corporation funds from being used, directly or indirectly, to finance labor or anti-labor organizations or related activities, 42 U.S.C. § 5044. Consequently, AmeriCorps★VISTA members must not be assigned to activities or duties that assist, directly or indirectly, any labor or anti-labor organizing activity or related activity.

Nepotism

Persons selected as AmeriCorps★VISTA members shall not be placed or assigned to an AmeriCorps★VISTA project when related by blood, marriage, or adoption to project staff, Sponsoring Organization staff, officers or members of the Sponsoring Organization's Board of Directors, or Corporation program staff responsible for the AmeriCorps★VISTA project. No person shall hold a position as AmeriCorps★VISTA supervisor if a member of his/her immediate family exercises supervisory authority over that position or if the individual is related to the Corporation program official responsible for the AmeriCorps★VISTA project.

AmeriCorps★VISTA Fraternization

Relationships between AmeriCorps★VISTA members and the staff members (including volunteer and contracted personnel) of the Corporation, Sponsoring Organization, and Project Site that are exploitive or that have the appearance of partiality, preferential treatment, or the improper use of position for personal gain, are prejudicial to the morale of AmeriCorps★VISTA members and will not be tolerated.

Relationships between members and the aforementioned staff members are forbidden if the relationship compromises or appears to compromise supervisory authority or could result in preferential treatment. Relationships are prohibited if they appear to involve the improper use of rank or position for personal gain.

All AmeriCorps★VISTA members must avoid nonprofessional relationships with other members or staff members that create real or perceived conflicts of interest, discord or distractions that interfere with other members' productivity, or potentially could result in charges of sexual harassment. These problems are serious in situations in which one person has authority over another.

Inappropriate relations include, but are not limited to:

- A Corporation State Office staff member and an AmeriCorps★VISTA supervisor within that state;
- A Corporation State Office staff member and an AmeriCorps★VISTA member or Leader;
- An AmeriCorps★VISTA supervisor and an AmeriCorps★VISTA member; and
- An AmeriCorps★VISTA Leader and an AmeriCorps★VISTA member under his/her coordination.

Such relationships are strictly forbidden and will not be tolerated. Violators may be subject to disciplinary action, up to and including removal.

Nonprofessional relationships between members and the aforementioned staff includes, but is not limited to:

- Intimate/sexual relationships.

- Borrowing or lending money, automobiles, or other personal property.
- Engaging in financial or business dealings, or acting as an agent or sponsor with any commercial services.
- Allowing services to be performed (compensated or uncompensated) that have no reasonable connection with AmeriCorps★VISTA activities.
- Gambling for goods, services, or money.
- Any activity and/or relationship that, in the judgement of the Corporation State Program Director, may reasonably be perceived to undermine discipline, good order, and/or morale.
- Socializing that might lead to the perception of a relationship or overtures to activities listed above.

Protection of Benefits while Serving in AmeriCorps★VISTA

AmeriCorps★VISTA members who are eligible to receive assistance or services under any governmental program (e.g., TANF, Medicaid, etc.) prior to enrollment as a member shall not be denied such benefits or given a decreased benefit because of the member's failure or refusal to register for, seek, or accept employment or training during the period of service. This law, provided at 42 U.S.C. 5044, applies to any governmental program including, but not limited to federal, state, and local programs.

Income Exclusion of AmeriCorps★VISTA Allowances from Benefit Calculations under Federal, State, and Local Assistance Programs

Payments received by AmeriCorps★VISTA members under this Act (including subsistence allowances) shall not in any way reduce or eliminate the level of, or eligibility for, assistance or services that any AmeriCorps★VISTA member may be receiving or are eligible to receive under any governmental program. This legislative provision is designed to ensure that persons, and families of persons, receiving assistance or services under any federal, state, or local governmental program before entering AmeriCorps★VISTA service do not lose benefits, or have benefits reduced, as a result of their service. However, this provision does not apply when the Director of AmeriCorps★VISTA determines the value of AmeriCorps★VISTA payments, adjusted to reflect the member hours served, is equal to or greater than the federal or state minimum wage.

For example, persons who were receiving public assistance benefits before entering AmeriCorps★VISTA service will not have their allowances counted in determining whether they are still eligible for benefits for their dependents. In addition, the Domestic Volunteer Service Act clearly indicates the Congressional intent that the same treatment be given to any benefits for which AmeriCorps★VISTA members were eligible, although not actually receiving, prior to their service, 42 U.S.C. § 5044.

This provision also applies to persons who become eligible for assistance or services while serving as AmeriCorps★VISTA members (e.g., a member reaches the age of 65 while serving and becomes eligible for Social Security benefits). AmeriCorps★VISTA income shall not be counted in determining eligibility for, or the level of, Social Security retirement benefits.

Food Stamps and WIC Program

Regulations issued by the Department of Agriculture, which administers the Food Stamp program, stipulate that members who were receiving food stamps before joining AmeriCorps★VISTA will not have their food stamp allotment reduced or eliminated as a result of their allowances. Members not receiving food stamps before joining AmeriCorps★VISTA will have their allowances counted as income for purposes of determining their level of food stamp eligibility. Department of Agriculture Food Stamp regulations pertaining to AmeriCorps★VISTA income exclusion are contained in the Code of Federal Regulations, Title 7, section 273.9.

Department of Agriculture regulations on the Women, Infants, and Children (WIC) program that pertain to AmeriCorps★VISTA income exclusion are contained in the Code of Federal Regulations, Title 7, section 246.7.

Social Security Disability Payments

Under regulations and rulings issued by the Social Security Administration, neither payments made to nor the activities performed by AmeriCorps★VISTA members are to be considered in determining the member's continued eligibility for Social Security disability benefits. This policy means that persons receiving disability payments before joining AmeriCorps★VISTA may continue to receive benefits during their service regardless of the level of allowances received or the nature of the duties performed.

In regulations dealing with Supplemental Security Income for the aged, blind, and disabled (SSI), payments to AmeriCorps★VISTA members are specifically excluded in determining the resources of an individual (Code of Federal Regulations, Title 20, section 416.1236).

Social Security Administration instructions pertaining to SSI, as well as to the Federal Old Age, Survivors, and Disability Insurance program, stipulate that none of the "substantial gainful activity" tests (e.g., earnings, comparability of work activity, or worth of work activity) is to be applied to AmeriCorps★VISTA activity performed under the Domestic Volunteer Service Act (POMS DI [10505.025B2](#)). Similar language is also contained in Social Security Ruling 84-24, Titles II and XVI: "Determination of Substantial Gainful Activity for Persons Working in Special Circumstances--Work Therapy Programs in Military Service--Work Activity in Certain Government-Sponsored Programs."

Veterans Benefits

Under regulations issued by the Department of Veterans Affairs in the Code of Federal Regulations, Title 38, sections 3.261 and 3.262, compensation or reimbursement received by AmeriCorps★VISTA members will be excluded from income in claims for compensation, pension, dependency, and indemnity compensation.

Housing Assistance Programs

The Department of Housing and Urban Development regulations govern certain programs that exclude from the definition of annual income amounts specifically excluded by any other federal statute from consideration for purposes of determining eligibility or benefits under a category of assistance programs. In accordance with the HUD Notice of Federally Mandated Exclusions from Income, payments to AmeriCorps★VISTA members cannot be considered an income for the purpose of determining income eligibility for section 8 programs and other federally subsidized housing.

Liability Coverage (*Federal Tort Claims Act*)

AmeriCorps★VISTA members are considered federal employees for the purpose of coverage under the Federal Tort Claims Act. The federal government assumes liability for any damage to property or injury to persons caused by a member that arises only out of his/her official duties and for which the member would be liable under local law. If any claim is made against a member with respect to an automobile accident or other damage allegedly caused during the course of his/her service activities, the member should immediately report such claim to the project supervisor or Sponsoring Organization, who in turn will contact the Corporation State Office. *Refer to Chapter 7 for procedures to be followed in the event of an automobile accident involving a member.*

In cases of potential liability on the part of the member for damage to property or injury to persons, other than motor vehicle accidents, the Sponsoring Organization or supervisor must immediately inform the Corporation State Office, which after consultation with the Corporation's Office of General Counsel will advise the Sponsoring Organization on what steps to take.

Members and Sponsoring Organizations are prohibited from making any statements to other parties to accidents concerning the ultimate liability of the government on a particular claim. Statements concerning responsibility for an accident should only be made to government investigating officers. The Corporation's Office of General Counsel or the Department of Justice, if appropriate, will make the final determination as to whether an accident occurred within the scope of the member's project-related activities and the extent of the federal government's liability.

Members and Sponsoring Organizations are expected to give full cooperation to the Corporation's Office of General Counsel in obtaining necessary evidence and materials and to the Department of Justice or United States Attorney in the event any legal action is begun in connection with an accident.

During off-duty hours, or in any situation in which members are not engaged in project-related activities, they are as personally liable as any other citizen for any damage or injury they cause.

Legal Support (*Legal Expenses*)

The Corporation has the discretion to pay expenses incurred in the defense of AmeriCorps★VISTA members in judicial and administrative proceedings that relate to AmeriCorps★VISTA service. These include counsel fees, court costs, bail, and other costs incidental to the member's defense. There is, however, no provision for the payment of attorney fees when members are involved in disputes addressing the denial or decrease of government benefits (see income disregard disputes under 42 U.S.C. § 5044), under AmeriCorps★VISTA termination (45 CFR Part 1210) and grievance (45 CFR Part 1211) procedures. The Corporation's regulations on payment of member legal expenses are contained in 45 CFR Part 1220, *see Appendix B*.

Unemployment Compensation

AmeriCorps★VISTA members assigned to local Sponsoring Organizations are not in an employment relationship with either the federal government or the project Sponsoring Organization for employment compensation purposes. They are therefore not covered by unemployment compensation. AmeriCorps★VISTA members are provided with a stipend or an Education Award in lieu of unemployment compensation.

AmeriCorps★VISTA members are regarded as federal employees only for certain purposes under 42 U.S.C. § 5055, including the Hatch Act, the Federal Employees Compensation Act, the Federal Tort Claims Act, the IRS Code, and Title II of the Social Security Act. They are not regarded as federal employees for purposes of unemployment compensation, and allowances received from the Corporation are not regarded as wages, except for income tax and Social Security purposes.

AmeriCorps★VISTA members are not employees of Sponsoring Organizations. Since members serve under the authority of federal statute, their limited employment relationship is with the federal government, not the Sponsoring Organization, and is governed by federal law, not state law. The AmeriCorps★VISTA Sponsoring Organization is not authorized to make contributions to any state unemployment compensation fund on behalf of AmeriCorps★VISTA members assigned to the organization.

Members should check with their state unemployment office.

Civil Service Benefits

AmeriCorps★VISTA members enrolled for a period of service of at least one year are entitled to the following federal civil service benefits, see 42 U.S.C. § 5055 for additional information.

Non-Competitive Eligibility in Federal Civil Service

AmeriCorps★VISTA members who have successfully completed at least one full year of service are eligible for non-competitive appointments in the competitive federal civil service. This means that a federal agency may hire a former member by establishing that the individual meets the minimum qualifications for a job including any written test requirement. If the former member meets the qualification standards, they do not have to compete with the general public to be hired.

AmeriCorps★VISTA service, however, is not creditable toward the service requirements for career tenure or toward completion of a probationary period. The probationary period begins with the appointment to federal civil service.

Non-competitive hiring privileges extend for a period of one year after completion of AmeriCorps★VISTA service, except that the employing agency may extend the period for an additional two years for a former member who enters military service, studies at a recognized institution of higher learning, or engages in activities that, in the view of the appointing authority, warrant an extension of the one-year limit.

Former AmeriCorps★VISTA members are not guaranteed a federal civil service job. Civil service openings are limited; obtaining employment will depend on the member's ability to locate an agency with a vacancy and to interest that agency in hiring the member. Information on available federal positions may be obtained from Federal Job Information Centers across the country, which are listed in metropolitan area phone directories under "U.S. Government."

To establish non-competitive status, the member will need proof of eligibility for job consideration under the special hiring procedures described. A verification statement certifying that the AmeriCorps★VISTA member has completed at least one year of satisfactory service can be obtained by writing to:

*AmeriCorps*VISTA Certifying Officer
Corporation for National Service
1201 New York Avenue, NW
Washington, DC 20525*

Federal Civil Service Credit

1. One of the benefits to a member if he/she is hired into the federal civil service is that his/her time as an AmeriCorps★VISTA will be credited toward a federal pension in either the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS). A condition to receiving this benefit is that payment of the employee's portion of his/her retirement contribution must be made to the U.S. Office of Personnel Management. The payment is based upon a statutorily mandated percentage of the cash stipend payment. The education award, like the stipend, is considered a form of payment. Therefore, AmeriCorps★VISTA members who elect the education award also will be required to make the same percentage cash payment to their retirement account as if they had actually received the cash stipend.
2. The payment is usually made within two years of the individual becoming a federal employee. If the payment is delayed for a period greater than two years, interest will be payable to the U.S. Office of Personnel Management.
3. AmeriCorps★VISTA service may be credited in connection with subsequent federal employment in the same manner as a like period of regular employment by the federal government. AmeriCorps★VISTA service will apply toward purposes of determining seniority, reduction in force and layoff rights, leave entitlement, and other rights and privileges based on length of service under laws administered by the U.S. Office of Personnel Management and other laws establishing terms and conditions of service of federal civilian employees.
4. AmeriCorps★VISTA service, however, is not credited toward completion of any probationary or trial period or completion of any service requirement for a career appointment.

Welfare Reform Legislation

The Personal Responsibility and Work Opportunity Act of 1996, Public Law 104-193, welfare reform legislation, affects AmeriCorps★VISTA members who are eligible for or receiving public assistance in a number of ways even though the income disregard provisions of the Domestic Volunteer Service Act remain in effect. The members receiving cash assistance from states should discuss any issues directly with their state (or county) agency worker to ensure that their AmeriCorps★VISTA service will not adversely affect their eligibility for cash assistance.

The welfare reform law prohibits states from using federal money to keep a family on welfare beyond a five-year cumulative lifetime limit. In each state, however, 20% of welfare recipients can be made exempt.

The language in the Domestic Volunteer Service Act does not affect any state's ability to impose time limits on AmeriCorps★VISTA members who are currently

receiving cash assistance. In many states, any cash assistance they receive from the state while in AmeriCorps★VISTA will be counted against the state's time limits.

Within the framework of the welfare reform legislation, states can impose unique requirements regarding registration for employment or training programs. The federal law allows for a two-year time limit on cash assistance payments before welfare recipients must be working or enrolled in job training or vocational education programs. States, however, can impose even shorter time limits than the two years allowed by federal law.

AmeriCorps★VISTA members should contact their state (or county) agency workers and inform them that persons who are serving in AmeriCorps★VISTA are not available for employment or job training programs. The language in the "Income Exclusion of AmeriCorps★VISTA Allowances from Benefit Calculations" section of this handbook should be cited to substantiate that fact. In some cases, welfare workers may determine that AmeriCorps★VISTA service satisfies the state's requirement for participation in an employment or training program. Preferably, welfare workers will determine that AmeriCorps★VISTA service is an exemption from any employment or training program.

When you are dealing with state or county officials, you should remember to identify yourself as an AmeriCorps★VISTA member serving under the Domestic Volunteer Service Act because the income disregard provisions of the Domestic Volunteer Service Act may not apply to other AmeriCorps programs. You also must inform your Corporation State Office immediately if you are having difficulties explaining this. Your Corporation State Office can supply you with a letter, which explains the income disregard provisions, that can be given to your case worker. Depending upon the situation, you may need to seek assistance of a legal aid attorney to represent you if your payments will be decreased or denied. The Corporation is unable to pay for legal assistance, but staff will assist in providing documentation to assist your legal representative.

Freedom of Information Act and Privacy Act

The Freedom of Information Act (5 U.S.C. 552) gives citizens the right, with a few basic exceptions, to inspect federal records or have access to information maintained by the federal government. Corporation regulations on implementation of the Freedom of Information Act are contained in 45 CFR Part 2507.

The Privacy Act (5 U.S.C. 552a) gives citizens a proprietary right to their records and to control access to information maintained about them, with a few exceptions, by the federal government. This right applies to systems of records that contain personal data and where an individual record can be located by name or an assigned personal identifier. Corporation regulations on implementation of the Privacy Act are contained in 45 CFR Part 2508.

AmeriCorps★VISTA members may access information regarding the Freedom of Information Act and Privacy Act through the Corporation's Internet site at:
<http://www.nationalservice.org>.